# 1AC---NDT---R2

## 1AC

**1AC---Access**

Advantage 1 is Access---

**Platform companies facilitate transactions between two sets of users—think Amazon—the *Amex* decision made it extremely difficult to challenge anticompetitive conduct in platform markets**

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(Herbert, “Antitrust and Platform Monopoly,” 130 Yale L.J. 1952)

A. Against Platform Exceptionalism

**In *Amex***, the Supreme Court **disregarded a basic principle about markets**, which is that they consist of **close substitutes**.212 Instead, it lumped production complements into the same market, and in the process, it **stymied coherent economic analysis** of the problem. To be sure, power in one side of a two-sided market cannot be assessed without determining what is occurring on the other side. But one does not need to group the two sides into the same “market.” Rather, a relevant market should be determined by reference to the side where anticompetitive effects are feared. Then, assessing power requires the fact finder to consider offsetting effects, some of which may occur on the other side.213

Second, the Court ignored an important distinction between fact and law. Disputes about market boundaries involve questions of fact. Nevertheless, the majority wrote—**as a matter of law**—that two-sided platforms compete **exclusively with other two-sided platforms**. These dicta have already produced **mischief in lower-court decisions**. For example, it led one court to conclude that a merger between a two-sided online flight-reservation system and a more traditional system **could not be a merger of competitors**.214

Third, without argument or evidence, the Court required litigants to show market power indirectly in vertical restraints cases by reference to a relevant market, even though superior techniques are available. Direct measures are particularly useful in digital markets, where the necessary data are easy to obtain and product differentiation makes traditional market definition unreliable.215 This was another breach of the boundary between fact and law.

Fourth, the Court misunderstood the economics of free riding, ignoring the fact that when a firm is able to recover the value of its investments through its own transactions, free riding is not a problem.

Fifth, the Court **failed** to perform the kind of **transaction-specific factual analysis** that has become **critical to economically responsible antitrust law**. Rather, it simply assumed, **without examining the actual transactions** before it, that losses on one side of a two-sided market are **inherently offset by gains on the other side**.216 Amex’s antisteering rule produced immediate losses for both the affected cardholder and the affected merchant. The only beneficiary was Amex, the operator of a platform able to shelter itself from competition. That competition, in turn, would have benefitted both cardholders and merchants.

Markets differ from one another.217 This is why we apply mainly antitrust law to **some markets**, regulation to others, and some mixture of the two to yet others. It is also why antitrust is **so fact intensive**, particularly on issues pertaining to market power or competitive effects. Indeed, the **biggest advantage that antitrust has** over legislative regulation is its **fact-driven methodology**. Antitrust courts do and should **avoid speaking categorically** about market situations that are not immediately before them and avoid making cursory conclusions based on inadequate facts. Within the antitrust framework, **there is no reason to think that digital platforms are unicorns** whose rules as a class differ from those governing other firms. Every market has its distinct features, but the ordinary rules of antitrust analysis are **adequate to consider them**. The ***Amex*** decision is a **cautionary tale** about what can happen when a court is so overwhelmed by a market’s idiosyncrasies that it makes **grand pronouncements**, abandoning well-established rules for analyzing markets in the process.

**Innovation not all created equal – Only nascent firms foster transformative tech innovation across sectors, AND it can’t be predicted or directed**

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(C. Scott, and Tim, “Nascent Competitors,” 168 U. Penn. L. Rev. 1879)

Over the last century and a half, small, innovative firms have played a **particularly important role** in the process of **innovation** and competition. This is not to discount the important history of innovation at big firms with large research laboratories, such as Bell Labs, Xerox PARC, and research labs at General Electric and Merck.30 However, over the same period, a significant number of disruptive innovations—**those that transform industry**—have come out of **very small firms** with new technologies **unproven at the time**: examples include the **Bell** Telephone Company, RCA, **MCI**, Genentech, **Apple**, **Netscape**, and dozens of others.31

There is a **particular competitive significance** of the **big innovations** at the **smaller firms,** for they also represent competitive entry, and sometimes **completely transform** the industry.32 New, unproven innovators are a key source of disruptive innovation.33 Consider that Bell’s telephone did not improve the telegraph, **but replaced it**, or the impact of Apple’s personal computer on the computing industry. As this suggests, **nascent competitors** can hold the promise of offering **fresh competition for the market**, not just **in** the market. They have the capacity to displace an incumbent through a **paradigm shift**—for example, a new platform for developing software or decoding a genome. **Nascent competition** tends to be **important** in industries marked by **rapid innovation** and **technological change**. **Software**, **pharmaceuticals**, mobile telephony, **e-commerce**, **search**, and social network services **are leading examples**.

Future potency. Second, a nascent competitor is relevant due to its **promise of future innovation**. Its potency is not yet fully developed and hence unproven. Whether that innovation will make a difference in the marketplace is subject to significant uncertainty. That is due to the unpredictable rate and direction of technological change. This uncertainty stems from the same forces of technological progress that make innovation so valuable. The nascent competitor may fail in various ways: the unproven cure, despite highest hopes, may flunk its clinical trials; the technologies thought to be the future might, in fact, be overrated. This uncertainty may not be a quantifiable risk, like the odds in a casino, but closer to Knightian true uncertainty—in other words, not readily susceptible to measurement.34 The unpredictable path of innovation **often results in product plasticity**, in which products evolve and are used for purposes **different than the original**. For example, in the 1990s, mobile telephones gained popularity as a complement to a wired telephone, as a means for making calls on the go.35 Today, they compete with land lines, cameras, computers, televisions, and credit cards. General purpose technologies such as computing and Internet connectivity act as powerful fuel for unpredictable change.36 Uncertainty about what products the incumbent and the nascent competitor will actually offer in the future has a further consequence—uncertainty about the degree to which those products will actually compete.

**Only a tech ecosystem that supplements Big Tech with many small disruptive innovators which are independent BUT able to access platforms’ data will allow us to beat China in AI. Centralization guarantees defeat, because China’s better at it and has way more people! Try or die for competitive innovation.**

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(Tom, “Digital Competition With China Starts With Competition At Home,” <https://www.brookings.edu/wp-content/uploads/2020/04/FP_20200427_digital_competition_china_wheeler_v3.pdf>)

The United States and China are engaged in a **technology-based conflict** to **determine** **21st-century** international economic **leadership**. China’s approach is to identify and support the research and development efforts of a handful of “**national champion**” companies. The **dominant tech companies** of the U.S. **are de facto embracing this** Chinese policy in their effort to maintain domestic marketplace control. Rather than embracing a China-like consecration of a select few companies, America’s digital competition with China **should begin with meaningful competition** at home and the allAmerican reality that competition drives innovation.

America’s dominant tech companies have seized upon the competition with China as a rationale for why their behavior should not be subject to regulatory oversight that would, among other things, promote competition. “China doesn’t regulate its companies” has become a go-to policy response. When coupled with “of course, we support regulation, but it must be responsible regulation,” it throws up a smokescreen that allows the dominant tech companies to make the rules governing their marketplace behavior.

At the heart of digital competition — both at home and abroad — is the capital asset of the 21st century: **data**. Initiatives such as **machine learning** and **artificial intelligence** are data-dependent, requiring a large data input to enable algorithms to reach a conclusion. China’s immense population of almost 1.5 billion gives it an advantage in this regard. By definition, a population that approaches five times the size of the U.S. population produces more data. The previously “backward” nature of the Chinese economy has resulted in another Chinese data advantage: New smartphone-based apps, created in place of the digital integration that China previously lacked, produce a richer collection of data. This bulk and richness of Chinese data creates **an inherent digital advantage** when compared to the United States.

If the United States **will never out-bulk China** in the quantity and quality of data**, it must out-innovate China**. Here, the United States **has an advantage**, **should it choose to take it**. **The centralized control** of the Chinese digital economy **is an anti-entrepreneurial force**. In contrast, **innovation** is the hallmark of a free and open market. But the domestic market must, indeed, be free, open, and **competitive**.

Currently, the American digital marketplace **is not competitive**. A handful of companies **command** the marketplace by hoarding the data asset others need to compete. As innovative as America’s tech giants may be, they represent a **bottleneck** **that starves independent innovators** **of the mother’s milk of digital competition**. **If America is to out-innovate China**, then American **innovators** **need access** to the **essential data asset** **required for that innovation**.

**The nation’s response to Chinese competition must not be the adoption of China-like national champions**, nor the “China doesn’t regulate its companies that way” smokescreen. American public policy should embrace the all-American concept of **competition-driven innovation**. This begins with **breaking the bottleneck** that withholds data from its **competitive application**. This **does not necessarily mean** **breaking up** the dominant companies, but it does mean breaking open **their mercenary lock** on the **assets essential for competition-driven innovation**.

#### Scale and novelty of innovation crater after mergers---empirics.

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Amit, “Firm boundaries matter: Evidence from conglomerates and R&D activity,” Journal of Financial Economics, 2014, 381-405, Elsevier

This paper examines the impact of the conglomerate form on the scale and novelty of corporate Research and Development (R&D) activity. I exploit a quasi-experiment involving failed mergers to generate exogenous variation in acquisition outcomes of target firms. A difference-in-differences estimation reveals that, relative to failed targets, firms acquired in diversifying mergers produce both a smaller number of innovations and also less-novel innovations, where innovations are measured using patent-based metrics. The treatment effect is amplified if the acquiring conglomerate operates a more active internal capital market and is largely driven by inventors becoming less productive after the merger rather than inventor exits. Concurrently, acquirers move R&D activity outside the boundary of the firm via the use of strategic alliances and joint ventures. There is complementary evidence that conglomerates with more novel R&D tend to operate with decentralized R&D budgets. These findings suggest that conglomerate organizational form affects the allocation and productivity of resources.

1. Introduction

Do firm boundaries affect the allocation of resources? This question had spawned significant research in economics since it was raised in Coase (1937). A large body of work has focused on comparing the resource allocation in conglomerates relative to stand-alone firms to shed light on this issue. Theoretically, there are completing views on this aspect. On the one hand, Alchian (1969), Wiliamson (1985), and Stein (1997), among others, have put forth the view that conglomerates, by virtue of exerting centralized control over the capital allocation process, may do a better job in directing investments than the external capital markets. On the other hand, the “dark side” view of internal capital markets argues that problems of corporate socialism are more prevalent in conglomerates making them less efficient in resource allocation (Rajan, Servaes, and Zingales, 2000; Scharfstein and Stein, 2000).

Estimating the effects predicted by these theories has proven challenging. On the one hand, there is a broad brush approach that argues that efficiency of conglomerates can be compared to stand-alone firms by examining their relative market values. This approach has, however, been criticized as being indirect and tainted by endogeneity bias which is hard to account for.1 The other, more direct approach, has been to examine the productivity differences across organizational forms to make assessment about resource allocation (Maksimovic and Philips, 2002; Sc hoar, 2002). In this paper, 1 extend the latter by focusing on one activity and demonstrating that a causal link exists between R&D productivity differences and organizational form. By doing so, I hope to provide evidence that firm boundaries can matter for allocation of resources.

I choose to focus on innovative activity following the argument made in Wiliamson (1985) that “... in the presence of asset specificity, uncertainty, and opportunistic behavior—differences in internal organization may impact innovative behavior ..." The intuition behind this idea is simple. Novel research projects are especially characterized by significant informational asymmetries between researchers and outside evaluators. This may provide researchers in divisions leeway to manipulate the information they transmit to corporate bosses, especially if they are faced with the possible threat of reallocation of resources by corporate headquarters. Recognizing this problem, high-level managers may be reluctant to embark on novel projects in the first place. Thus, it is precisely those organizations that attempt to exploit the efficiencies of a centralized resource allocation process that may end up fostering mediocrity in their divisional R&D activities.2

I use information in the Compustat files and from the 423,640 patents granted by the United States Patent and Trademark Office (USPTO) during the sample period to shed light on this question. I measure the scale of a company’s R&D output by the number of patents its research generates. In addition, I measure the novelty of its research program by the average number of citations its patents receive in subsequent patent applications. I start by providing some suggestive evidence by evaluating these measures for Compustat firms over 1980-1998. In particular, an average patenting single-segment firm produces patents that generate more citations than those obtained by the multi-segment firms. In addition, conglomerates with more active internal capital markets and higher implied competition for R&D resources do, on average, conduct less-novel research.

These results, however, only show an association between internal capital markets and research output. There may be a concern that these effects are driven by endogenous selection rather than the impact of organizational form on R&D activity. For instance, many conglomerates may have grown by acquiring firms that have the potential to come up with novel ideas in the future. Alternatively, they may acquire firms with one big idea which has already been developed. Both these arguments would lead to different biases in estimates that compare the average R&D productivity of conglomerate firms relative to stand-alone firms. The main identification strategy of the paper accounts for these selection concerns by exploiting a quasi-experiment.

The experiment constructs two groups of firms: a “treatment group” comprised of firms taken over in a friendly merger and a “control group” that is assembled from a sample of targets whose mergers failed to go through. The important consideration for empirical design is that the reasons for failure of the friendly merger of the control group be unrelated to R&D policy of the target. I read news articles for each of the failed mergers in my sample and select only those to be a part of the control group where one can argue this to be the case (e.g., deals around 1987 crash). The two groups then comprise a sample where 1 claim that the assignment of a firm into an acquirer is random. Under this assumption, I can difference out any selection concerns by comparing the R&D productivity of the firms in the treatment group pre-and post-merger with those of the control group.

This research design allows for two tests. The identification of the main estimate comes from the unsuccessful targets that were going to conglomerate acting as a counterfactual for how the successful targets would have performed R&D after the merger, had they not been acquired by conglomerates. In addition, the research design allows me to conduct a placebo test that involves targets in non-conglomerating mergers.

I employ a difference-in-differences specification which exploits within-firm variation and find that, relative to the control group, firms in the treatment group suffer a significant decline (about 60%) in novelty of their research output after the merger. This drop is driven by diversifying mergers with targets involved in non-conglomerating mergers not exhibiting any change in their R&D output What is more, I find that the drop in novelty is significantly more in treatment firms that were acquired by diversified firms which already had an active capital market in operation. These results suggest that the very internal workings of a conglomerate bring about a reduction in the novelty of research conducted there and confirm the ‘new-toy’ effect in diversified firms documented in Schoar (2002).

These findings also alleviate concerns that my results are driven by firms in the control group being more productive after the event, due to elevated market pressure after the unsuccessful merger. If it was the case, I would have also found similar effects for firms that were involved in unrelated mergers. As well, it would not immediately follow that market pressure would intensify for firms where I find the strongest results—i.e., in firms that are involved in mergers where acquirers operated a conglomerate with an active 1CM.

I further investigate the drivers of the treatment effect by examining the R&D productivity of inventors around the merger event There are two margins which could be responsible for a decline in the R&D productivity of the treatment group: on the extensive margin, individuals with ‘entrepreneurial spirit’ may leave the diversified firm; on the intensive margin, individuals may chose to stay in the firm but become less productive on the R&D dimension—both because the combined firm might be reluctant to fund their entrepreneurial ideas (Bhide, 2000; Gompers, Lemer and Scharfstein, 2005).3 I hand-collect information on all the inventors responsible for patents in the sample and exploit within-inventor variation in the data. The results suggest that the treatment effect is largely driven on the intensive margin. In particular, the impact of invention of an average inventor in the treatment group falls more than 50% post-merger. While there is an exodus of inventors after the merger event, the rate of exit is similar for both the control and treatment groups.

#### Foreign linkages render large firms vulnerable to Chinese influence.

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Dakota Foster, Zachary Arnold, “Antitrust and Artificial Intelligence: How Breaking Up Big Tech Could Affect the Pentagon’s Access to AI,” CSET Issue Brief, Center for Security and Emerging Technology, May 2020, https://www.geopolitic.ro/wp-content/uploads/2020/05/CSET-Antitrust-and-Artificial-Intelligence.pdf

A post-breakup AI sector composed of smaller firms might have fewer foreign governments and technology linkages, reducing the risks of U.S. government contracting for both the Pentagon and companies themselves. International expansion and domestic government contracting sometimes stand at odds. Yet the leading U.S. tech firms all have an international presence and prioritize foreign expansion.143 [FOOTNOTE 143 STARTS] For example, Google opened an AI research lab in Beijing in 2017 and has repeatedly explored growth in Chinese markets. See Douglas MacMillan, Shan Li, and Liza Lin, “Google Woos Partners for Potential China Expansion,” The Wall Street Journal, August 12, 2018, https://www.wsj.com/articles/google-woos-partners-for-potential-chinaexpansion-1534071600; Bowdeya Tweh, “Treasury Secretary Finds No Security Concerns With Google Work in China,” The Wall Street Journal, July 24, 2019, <https://www.wsj.com/articles/treasury-secretary-finds-no-security-concerns-with-googlework-in-china-11563976459>. [FOOTNOTE 143 ENDS]

As companies become more intertwined with and subject to pressure from foreign customers and governments, the Pentagon and other national security customers may view those companies and their products as too risky for defense purposes. The Pentagon has previously ended contracts on the basis of contractors’ foreign entanglements. In 2017, it terminated its relationship with Kaspersky Lab, a Russian software and cyber firm, following concerns about Russian intelligence bugs in Kaspersky products.144 In 2019, it cut ties with Huawei, the Chinese telecommunications giant,145 going so far as to ban the sale of Huawei phones on U.S. military bases.146 Huawei joined a growing list of Chinese companies the DOD monitors in an effort to protect American supply chains.147

At the same time, as U.S. firms become more entangled globally, they may choose foreign markets over U.S. government contracts. Foreign markets, particularly in China, have high sales volumes and potential for large profits. The allure of these markets could outweigh a few, large contracts with the U.S. government. Larger companies will more likely encounter this choice given their international opportunities of significant scale. Companies choosing to expand abroad would more probably accumulate foreign creditors, regulatory requirements, supply chain relationships, and other exposures reducing their appeal for the U.S. government. Smaller firms are less likely to face this tradeoff, and less inclined to choose foreign markets; for these firms, the value of international expansion often does not exceed that offered by domestic growth.

Moreover, just as the U.S. government has warned private and public entities from partnering with foreign companies like Huawei and Kaspersky, foreign governments may cut off American firms’ access to their citizens if seen as too close to Washington.

**Maintaining our innovative lead solves nuclear war**

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

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

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

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

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

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

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

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

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

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

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

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

#### Chinese security rhetoric doesn’t lead to self-fulfilling prophecies.

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Securitization theory has rightly garnered much attention among European scholars of international relations. Its basic claims are powerful: that security threats are not given, but require active construction; that the boundaries of “security” are malleable; that the declaration that a certain problem lies within the realm of security is itself a productive political act; and that “security” issues hold a trump card, demanding disproportionate resources and silencing alternative perspectives. Securitization thus highlights a familiar, even ubiquitous, political process that had received little attention in the international relations or comparative foreign policy literatures. It gave scholars a theoretical language, if not quite a set of coherent theoretical tools, with which to make sense of how a diverse set of issues, from migration to narcotics flows to global climate change, sometimes came to be treated as matters of national and global security and thereby—and this is where securitization’s critical edge came to the fore—impeded reasoned political debate. No surprise that, as Jarrod and Eric observe, securitization has been the focus of so many articles in the EJIR—and even more in such journals as the Review of International Studies and Security Dialogue. But there are (good) substantive and (not so good) sociological reasons that securitization has failed to gain traction in North America. First, and most important, securitization describes a process but leaves us well short of (a) a fully specified causal theory that (b) takes proper account of the politics of rhetorical contestation. According to the foundational theorists of the Copenhagen School, actors, usually elites, transform the social order from one of normal, everyday politics into a Schmittian world of crisis by identifying a dire threat to the political community. They conceive of this “securitizing move” in linguistic terms, as a speech act. As Ole Waever (1995: 55) argues, “By saying it [security], something is done (as in betting, a promise, naming a ship). . . . [T]he word ‘security’ is the act . . .” [emphasis added]. Securitization is a powerful discursive process that constitutes social reality. Countless articles and books have traced this process, and its consequences, in particular policy domains. Securitization presents itself as a causal account. But its mechanisms remain obscure, as do the conditions under which it operates. Why is speaking security so powerful? How do mere words twist and transform the social order? Does the invocation of security prompt a visceral emotional response? Are speech acts persuasive, by using well-known tropes to convince audiences that they must seek protection? Or does securitization operate through the politics of rhetorical coercion, silencing potential opponents? In securitization accounts, speech acts often seem to be magical incantations that upend normal politics through pathways shrouded in mystery. Equally unclear is why some securitizing moves resonate, while others [are ignored] ~~fall on deaf ears~~. Certainly not all attempts to construct threats succeed, and this is true of both traditional military concerns as well as “new” security issues. Both neoconservatives and structural realists in the United States have long insisted that conflict with China is inevitable, yet China has over the last 25 years been more opportunity than threat in US political discourse—despite these vigorous and persistent securitizing moves. In very recent years, the balance has shifted, and the China threat has started to catch on: linguistic processes alone cannot account for this change. The US military has repeatedly declared that global climate change has profound implications for national security—but that has hardly cast aside climate change deniers, many of whom are ironically foreign policy hawks supposedly deferential to the uniformed military. Authoritative speakers have varied in the efficacy of their securitizing moves. While George W. Bush powerfully framed the events of 9/11 as a global war against American values, Franklin Delano Roosevelt, a more gifted orator, struggled to convince a skeptical public that Germany presented an imminent threat to the United States. After thirty years as an active research program, securitization theory has hardly begun to offer acceptable answers to these questions. Brief references to “facilitating conditions” won’t cut it. You don’t have to subscribe to a covering-law conception of theory to find these questions important or to find securitization’s answers unsatisfying. A large part of the problem, we believe, lies in securitization’s silence on the politics of security. Its foundations in speech act theory have yielded an oddly apolitical theoretical framework. In its seminal formulation, the Copenhagen school emphasized the internal linguistic rules that must be followed for a speech act to be recognized as competent. Yet as Thierry Balzacq argues, by treating securitization as a purely rule-driven process, the Copenhagen school ignores the politics of securitization, reducing “security to a conventional procedure such as marriage or betting in which the ‘felicity circumstances’ (conditions of success) must fully prevail for the act to go through” (2005:172). Absent from this picture are fierce rhetorical battles, where coalitions counter securitizing moves with their own appeals that strike more or less deeply at underlying narratives. Absent as well are the public intellectuals and media, who question and critique securitizing moves sometimes (and not others), sometimes to good effect (and sometimes with little impact). The audience itself—whether the mass public or a narrower elite stratum—is stripped of all agency. Speaking security, even when the performance is competent, does not sweep this politics away. Only by delving into this politics can we shed light on the mysteries of securitization. We see rhetorical politics as constituted less by singular “securitizing moves” than by “contentious conversation”—to use Charles Tilly’s phrase. To this end, we would urge securitization theorists, as we recently have elsewhere, to move towards a “pragmatic” model that rests on four analytical wagers: that actors are both strategic and social; that legitimation works by imparting meaning to political action; that legitimation is laced through with contestation; and that the power of language emerges through contentious dialogue. We are heartened that our ambivalence about securitization—the ways in which we find it by turns appealing and dissatisfying—and our vision for how to move forward have in the last decade been echoed by (mostly) European colleagues. These critics have laid out a research agenda that would, if taken up, produce more satisfying, and more deeply political, theoretical accounts. In our own work, both individual and collective, we have tried to advance that research agenda. So long as securitization theorists resist defining the theory’s scope and mechanisms, and so long as it remains wedded to apolitical underpinnings, we think it unlikely to gain a broad following on this side of the pond. Second, securitization has been held back by another way in which it is apolitical—this time thanks to its Schmittian commitments and political vision. Successful securitization, in seminal accounts, replaces normal patterns of politics with the world of the exception, in which contest has no place. They imagine security as the ultimate trump card. But, in reality, the divide is not nearly so stark. Security does not crowd out all other spending priorities—or states would spend on nothing but defense and “securitized” issues. Nor does simply declaring something a matter of national security guarantee its funding—or global climate change counter-measures, including research on renewable energies, would be well-funded. Nor are security issues somehow aloof from politics: politics has never truly stopped “at the water’s edge.” Securitization considers only the politics of security. Its strangely dichotomous optic cannot see or make sense of the politics within security. In ignoring the politics within security, securitization is of course in good company. Realists of all stripes have paid little attention to domestic political contest, except as a distraction from structural imperatives. But while realism is unquestionably a powerful first-cut, this inattention to the politics within security is also among the reasons so many have found it wanting. As Arnold Wolfers long ago observed, some degree of insecurity is the normal state of affairs. But “some may find the danger to which they are exposed entirely normal and in line with their modest security expectations while others consider it unbearable to live with these same dangers.” And states, he further argues, do not actually maximize security—almost ever. “Even when there has been no question that armaments would mean more security, the cost in taxes, the reduction in social benefits, or the sheer discomfort involved have militated effectively against further effort” (1962:151, 153). A securitization perspective renders all this politics within security inexplicable. And yet, as Wolfers saw half a century ago, it is crucial.

#### That’s because the risk of escalation during a crisis is real and balancing is key

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You’ve probably heard that China’s military has developed a “carrier-killer” ballistic missile to threaten one of America’s premier power-projection tools, its unmatched fleet of aircraft carriers. Or perhaps you’ve read about China’s deployment of its own aircraft carrier to the Taiwan Strait and South China Sea. But heavily defended moving targets like aircraft carriers would be a challenge to hit in open ocean, and were China’s own aircraft carrier (or even two or three like it) to venture into open water in anger, the U.S. submarine force would make short work of it. In reality, the greatest military threat to U.S. vital interests in Asia may be one that has received somewhat less attention: the growing capability of China’s missile forces to strike U.S. bases. This is a time of increasing tension, with China’s news organizations openly threatening war. U.S. leaders and policymakers should understand that a preemptive Chinese missile strike against the forward bases that underpin U.S. military power in the Western Pacific is a very real possibility, particularly if China believes its claimed core strategic interests are threatened in the course of a crisis and perceives that its attempts at deterrence have failed. Such a preemptive strike appears consistent with available information about China’s missile force doctrine, and the satellite imagery shown below points to what may be real-world efforts to practice its execution. The People’s Liberation Army Rocket Force: Precision Strike with Chinese Characteristics The PLA Rocket Force originally focused on nuclear deterrence. Since the Cold War, the force has increasingly focused on the employment of precision-guided conventional ballistic and land attack cruise missiles. The command now consists of about 100,000 personnel and was elevated in December 2015 to a status co-equal to that of China’s other military services. In terms of specific missions, Michael S. Chase of the U.S. Naval War College wrote in 2014 that PLA Rocket Force doctrine calls for a range of deterrence, compellence, and coercive operations. In the event that deterrence fails, the missions of a conventional missile strike campaign could include “launching firepower strikes against important targets in the enemy’s campaign and strategic deep areas.” Potential targets of such strikes could include command centers, communications hubs, radar stations, guided missile positions, air force and naval facilities, transport and logistical facilities, fuel depots, electrical power centers, and aircraft carrier strike groups. Chase also stated that, “In all, Chinese military writings on conventional missile campaigns stress the importance of surprise and suggest a preference for preemptive strikes.” And while most Sinologists discount the idea of a true bolt-from-the-blue attack in a crisis without first giving an adversary a chance to back down, preemptive missile strikes to initiate active hostilities could be consistent with China’s claimed overall military strategy of “active defense.” As a 2007 RAND study of China’s anti-access strategies explained, “This paradox is explained by defining the enemy’s first strike as ‘any military activities conducted by the enemy aimed at breaking up China territorially and violating its sovereignty’…and thereby rendered the equivalent of a ‘strategic first shot.’” China analyst Dean Cheng stated similarly in 2015, “From Mao to now, the concept of the active defense has emphasized assuming the strategic defensive, while securing the operational and tactical initiative, including preemptive actions at those levels if necessary.” Thus, China could consider a preemptive missile strike as a defensive “counter-attack” to a threat against China’s sovereignty (e.g., over Taiwan or the South China Sea) solely in the political or strategic realm. If such a strike still seems unlikely, consider that U.S. military and civilian leaders may have a blind spot regarding the capabilities of the PLA Rocket Force. The bulk of the PLA Rocket Force — the conventionally armed precision-strike units — have no real counterpart in the U.S. military. American long-range ballistic missiles are all nuclear-tipped and therefore focused on nuclear deterrence, and the Army’s short-range tactical ballistic missiles are designed for battlefield use. Also, per the Intermediate Nuclear Forces Treaty with Russia, the United States fields no medium- or intermediate-range ballistic missiles of any kind, nor any ground-launched land-attack cruise missiles (LACMs). When Americans think of preemptive strike, they likely think of weapons launched by air or sea-based platforms, discounting the viability of a different paradigm: ground-based precision-strike missiles used for the same mission. Coming of Age A 2015 RAND study said that by 2017 (i.e., now) China could field about 1,200 conventionally armed short-range ballistic missiles (600-800 km range), 108 to 274 medium-range ballistic missiles (1000 to 1500+ km), an unknown number of conventional intermediate-range ballistic missiles (5,000 km), and 450-1,250 land attack cruise missiles (1500+ km). RAND also estimated that improvements in the accuracy of China’s ballistic missiles may allow them to strike fixed targets in a matter of minutes with an accuracy of a few meters. RAND assesses that key U.S. facilities throughout Japan could already be within range of thousands of difficult-to-defeat advanced ballistic and cruise missiles. Even U.S. bases on the island of Guam could be within range of a smaller number of missiles (See Figure 1). [ FIGURE 1 OMITTED ] Fig. 1: PLA Rocket Force Missile ranges vs. U.S. bases in Asia. In recent years, the PLA Rocket Force appears to have been making real the specific capabilities necessary to support execution of the preemptive strike discussed above. As examples, a 2009 RAND study of open-source literature suggested that flechette sub-munitions would likely be used against missile launchers, parked aircraft, fuel tanks, vehicles, air defense weapons, and ships in port. Penetrating munitions would be used against airfield runways, aircraft shelters, and semi-underground fuel tanks. In terms of sequencing, the study suggested that an initial wave of ballistic missiles would neutralize air defenses and command centers and crater the runways of military air bases, trapping aircraft on the ground. These initial paralyzing ballistic missile salvos could then be followed by waves of cruise missiles and Chinese aircraft targeting hardened aircraft shelters, aircraft parked in the open, and fuel handling and maintenance facilities. These capabilities may already have been tested at a ballistic missile impact test site (see Figure 2) located on the edge of the Gobi Desert in western China. Commercial satellite images seem to show a range of test targets representing just the sort of objectives discussed in the doctrine above, including groups of vehicles (perhaps representing mobile air and missile defense batteries — see Figure 3), aircraft targets parked in the open (Figure 4), fuel depots (Figure 5), runway cratering submunition tests (Figure 6), electrical power facilities (Figure 7), and the delivery of penetrating munitions to hardened shelters and bunkers (Figure 8). Of note, the 2007 RAND study mentioned above stated that submunitions are generally not capable of penetrating the hardened shelters use to house fighter aircraft at many air bases, that China’s ballistic missiles lack the accuracy to ensure a high percentage of direct hits using unitary warheads, and thus, “fighter aircraft in hardened shelters would be relatively safe from Chinese ballistic missile attack.” This clearly appears to no longer be the case, and the demonstrated ability to precisely deliver penetrating warheads to facilities such as command centers in a matter of minutes could also provide a key capability to destroy them, with their command staffs, in the initial waves of an attack. [ FIGURE 2 OMITTED ] Fig. 2: Possible PLA Rocket Force ballistic missile impact range in Western China. [ FIGURE 3 OMITTED ] Fig. 3: Left side – Possible vehicle targets with sub-munition impact pattern, imagery dated Dec. 2013. Right side – U.S. Patriot air and missile defense battery, Kadena Air Base, Okinawa, Japan. Scale of sub-munition pattern overlaid for comparison. [ FIGURE 4 OMITTED ] Fig. 4: Possible parked aircraft target, imagery dated August 2013. Upper left aircraft shaped target, imagery dated May 2012. Lower right – F-22 Fighter Parking Area, Kadena Air Base, Okinawa, Japan. [ FIGURE 5 OMITTED ] Fig. 5: Possible test targets simulating above-ground fuel tanks, imagery dated September 2012. Compared to actual fuel tanks in Japan, similar scale. [ FIGURE 6 OMITTED ] Fig. 6: Possible runway cratering munition testing, imagery dated Sept. 2012. [ FIGURE 7 OMITTED ] Fig. 7: Possible mock electronic substation target, imagery dated July 2013. Note no electrical lines running to or from the target in its very remote location. While no craters are visible, disablement may be planned using other methods, such as dispersal of conductive graphite filaments. [ FIGURE 8 OMITTED ] Fig. 8: Possible hardened aircraft shelter or bunker test targets, imagery dated Oct. 2016. Penetrator sub-munition impacts visible. Lower right: Misawa Air Base, Japan, similar scale. China has not been shy about displaying the advancing capabilities of the PLA Rocket Force. Beijing openly displayed some of its latest missiles (such as DF-26 “Guam-killer” missile) in its 70th anniversary parade in 2015 and painted the missiles’ identification on their sides in western characters, in case anyone missed the point. The PLA Rocket Force also put out a recruiting music video and other TV footage showing the employment of multiple coordinated missile launches, as well as the use of submunitions. Pearl Harbor 2.0? In 2010, Toshi Yoshihara of the U.S. Naval War College wrote that authoritative PLA publications indicated that China’s missile forces might attempt a preemptive strike to knock out the U.S. Navy in Asia by specifically targeting vulnerable carriers and warships in port. Yoshihara noted in particular that, “Perhaps no other place captures the Chinese imagination as much as Yokosuka,” the major U.S. naval base near Tokyo home to the U.S. Navy’s sole permanently forward-deployed aircraft carrier, USS Ronald Reagan (CVN 76), as well as other ships and vital support facilities (see Figure 9). In 2012, Dr. Yoshihara again stated that: [T]he Imperial Japanese Navy’s surprise attack on Pearl Harbor remains a popular, if somewhat tired, metaphor for the dangers of unpreparedness and overexposure to risk…But the real possibility that U.S. bases in the Western Pacific could once again be vulnerable…has occasioned little publicity or debate. [ FIGURE 9 OMITTED ] Fig. 9: Home of U.S. 7th Fleet, Yokosuka, Japan. Evidence that China may have been practicing to strike ships in port with ballistic missiles would lend credence to Yoshihara’s concerns. And such evidence exists: images taken in 2013 (see Figure 10) seem to show China testing its ability to do so. [ FIGURE 10 OMITTED ] Fig. 10: Possible moored ship and naval facility targets, imagery dated August 2013. Compared for scale with actual U.S. destroyer. Specifically, the PLA Rocket Force appears to have been practicing on several ship targets of a similar size to U.S. Arleigh Burke-class destroyers moored in a mock port that is a near-mirror image of the actual inner harbor at the U.S. naval base in Yokosuka (see Figure 11). Note what looks like an impact crater located near the center of the three ship targets, close enough to have potentially damaged all three ships with submunitions. The display of these targets may itself constitute signaling to the United States and its allies as a long-term deterrent effort. All the same, it bears considering that the only way that China could realistically expect to catch multiple U.S. ships in port as shown above would be through a surprise attack. Otherwise, with clear signs of imminent hostilities, the United States would likely have already sent its fleet to sea. Some skeptics might say that catching the U.S. flat-footed would be unlikely, but history teaches us not to discount the possibility of successful surprise attacks. [ FIGURE 11 OMITTED ] Fig. 11: Possible naval ship and harbor targets, compared to inner harbor at U.S. naval base at Yokosuka, Japan. The Need for Enhanced Deterrent Measures U.S. and allied efforts are underway to improve defensive areas such as base hardening and force dispersal, as well as to conduct advanced research into ballistic missile defenses such as high-velocity projectiles, rail guns, and lasers. My colleague Elbridge Colby has written with Jonathan Solomon extensively about conventional deterrence and the specific capabilities that the United States can develop in the next few years that will be critical to fielding a force “that can prevail in regional wars while still performing peacetime missions at a reasonable level.” The possibility that a threat of preemptive attack from the PLA Rocket Force already exists underscores an urgent need to take further action now.

#### China rise ushers in extreme ethno-nationalism

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Gray, May/June. “China's Race Problem: How Beijing Represses Minorities.” Foreign Affairs , MAY/JUNE 2015, Vol. 94, No. 3, pp. 39-46, EBSCO.

For all the tremendous change China has experienced in recent decades-phenomenal economic growth, improved living standards, and an ascent to great-power status-the country has made little progress when it comes to the treatment of its ethnic minorities, most of whom live in China's sparsely populated frontier regions. This is by no means a new problem. Indeed, one of those regions, Tibet, represents one of the "three Ts"-taboo topics that the Chinese government has long forbidden its citizens to discuss openly. (The other two are Taiwan and the Tiananmen Square uprising of 1989.)

But analyses of China's troubles in Tibet and other areas that are home to large numbers of ethnic minorities often miss a crucial factor. Many observers, especially those outside China, see Beijing's repressive policies toward such places primarily as an example of the central government's authoritarian response to dissent. Framing the situation that way, however, misses the fact that Beijing's hard-line policies are not merely a reflection of the central state's desire to cement its authority over distant territories but also an expression of deep-seated ethnic prejudices and racism at the core of contemporary Chinese society. In that sense, China's difficulties in Tibet and other regions are symptoms of a deeper disease, a social pathology that is hardly ever discussed in China and rarely mentioned even in the West.

When placed next to the challenge of maintaining strong economic growth, fighting endemic corruption, and managing tensions in the South China Sea, China's struggle with the legacy and present-day reality of ethnic and racial prejudice might seem unimportant, a minor concern in the context of the country's rise. In fact, Beijing's inability (or unwillingness) to confront this problem poses a long-term threat to the central state. The existence of deep and broad hostility and discrimination toward Tibetans and other non-Han Chinese citizens will prevent China from easing the intense unrest that roils many areas of the country. And as China grows more prosperous and powerful, the enforced exclusion of the country's ethnic minorities will undermine Beijing's efforts to foster a "harmonious society" and present China as a model to the rest of the world.

IT TAKES A NATION OF BILLIONS TO HOLD US BACK

Estimates vary, but close to 120 million Chinese citizens do not belong to the majority Han ethnic group. Ethnic minorities such as Kazakhs, Koreans, Mongols, Tibetans, Uighurs, and other groups represent only eight percent of China's population. But their existence belies a commonplace notion of China as a homogeneous society. It's also worth noting that, taken together, the regions of China that are dominated by non-Han people constitute roughly half of China's territory and that if non-Han Chinese citizens formed their own country, it would be the 11th largest in the world, just behind Mexico and just ahead of the Philippines.

Although Tibetans represent only about five percent of China's non-Han citizens, their struggle attracts significant international attention and is in many ways an effective stand-in for the experience of the other minority groups. Tibetans have long been treated as second-class citizens, deprived of basic opportunities, rights, and legal protections that Han Chinese enjoy (albeit in a country where the rule of law is inconsistent at best). The central government consistently denies Tibetans the high degree of autonomy promised to them by the Chinese constitution and by Chinese law. The state is supposed to protect minority groups' cultural traditions and encourage forms of affirmative action to give minorities a leg up in university admissions and the job market. But such protections and benefits are rarely honored. The state's approach toward the Tibetan language well illustrates this pattern: although the government putatively seeks to preserve and respect the Tibetan language, in practice Beijing has sought to marginalize it by insisting that all postprimary education take place in Chinese and by discouraging the use of Tibetan in business and government.

More overt forms of discrimination exist as well, including ethnic profiling. Security and law enforcement personnel frequently single out traveling Tibetans for extra attention and questioning, especially since a wave of protests against Beijing's policies-some of which turned violent-swept Tibet in 2008. Hotels in Chinese cities routinely deny Tibetans accommodations-even those who can "pass" as Han, since their identity cards designate them as Tibetan. Worse, since 2008, the state has placed new restrictions on Tibetans' civil rights, forbidding them to establish associations devoted to issues such as the environment and education-something Han Chinese are allowed to do.

Deprivations of that kind are part of a broader, more systemic inequality that characterizes life for Tibetans in China. Andrew Fischer, an expert on Tibet's economy, has used official Chinese government statistics to demonstrate that Tibetans are much less likely to get good jobs than their Han counterparts due to the lack of educational opportunities available to them. Even in Tibetan-majority areas, where Tibetans should enjoy some advantage, Tibetans earn lower incomes relative to Han Chinese.

It is hard to know exactly what role racism or ethnic prejudice plays in fostering these inequalities. In part, that is because it is difficult to generalize about the views of Han Chinese toward Tibetans and other minorities; just like in the West, public opinion on identity in China is shaped by the ambiguity and imprecision of concepts such as ethnicity and race. Still, it is fair to say that most Han Chinese see Tibetans and other minorities as ethnically different from themselves and perhaps even racially distinct as well.

That was not always the case. In the early twentieth century, Chinese intellectuals and officials talked about Tibetans and Chinese as all belonging to "the yellow race." By the 1950s, however, such ideas had gone out of fashion, and Mao Zedong's government launched a project to categorize the country's myriad self-identifying ethnic groups with the aim of reducing the number of officially recognized minorities- the fewer groups there were, the easier they would be to manage, the government hoped. This had the effect of creating clearer lines between the various groups and also encouraged a paternalistic prejudice toward minorities. Han elites came to see Tibetans and other non-Han people as at best junior partners in the project of Chinese nation building. In the future, most Han elites assumed, such groups would be subsumed by the dominant culture and would cease to exist in any meaningful way; this view was partly the result of Maoist tenets that saw class consciousness as a more powerful force than ethnic solidarity.

#### The key to stability is convincing them that the US is willing to run the risk of escalation. Otherwise, they will be provocative to extract concessions. Accommodation only empowers hardliners because it convinces them the strategy is working

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Oriana Skylar Mastro, assistant professor at the Edmund A. Walsh School of Foreign Service, Georgetown University, Why Chinese Assertiveness is Here to Stay, The Washington Quarterly 37:4, pp. 151–170, <http://dx.doi.org/10.1080/0163660X.2014.1002161>

The U.S. mindset needs to shift to accept greater risk without being reckless. Military power alone does not guarantee a credible deterrent. U.S. efforts to bolster its military presence in the Asia–Pacific—a central pillar of the rebalancing strategy—counter the geographic, kinetic and political pillars of China’s A2/AD strategy. For example, the United States is forward-deploying more assets in the region, such as the Marine Air Ground Task Force Detachment already deployed to Australia as well as the stated goal of positioning 60 percent of all U.S. warships to the Asia–Pacific by 2020. This addresses the geographic pillar. Attempts to address the kinetic pillar include new operational concepts such as Air-Sea Battle, which “relies on highly integrated and tightly coordinated operations across war-fighting domains” in order “to disrupt and destroy enemy A2-AD networks and their defensive and offensive guided weapons systems in order to enable US freedom of action to conduct concurrent and follow-on operations.”73 Bolstering U.S. alliances with Japan, South Korea, Australia, the Philippines, and Thailand, as well as partnerships with Indonesia, Malaysia, India, Singapore, Vietnam, and New Zealand are critical components to U.S. efforts to ensure political access and support in the region. These efforts are commendable—the United States rightly works to preserve its military superiority and retain its ability to project power in the region. During the Cold War, when the greatest pacing threats were land conflicts, forward deploying U.S. forces in Europe and Asia were sufficient to demonstrate the credibility of the U.S. commitment to peace in those regions. But China is currently testing the waters not because its leaders are uncertain about the balance of power, but because they are probing the balance of resolve. This means that staying ahead in terms of military might is insufficient in contemporary East Asia. China’s strategists are betting that the side with the strongest military does not necessarily win the war—the foundation of the deterrent pillar of its A2/AD strategy. Indeed, China’s experience in fighting the Korean War proves that a country willing to sacrifice blood and treasure can overcome a technologically superior opponent. The belief that balance of resolve drives outcomes more so than the balance of power is the foundation of China’s new, more assertive strategy; but U.S. responses to date have failed to account for it. Canned demonstrations of U.S. power fail to address the fundamental uncertainty concerning U.S. willingness, not ability, to fight. The U.S. focus on de-escalation in all situations only exacerbates this issue. The Cold War experience solidified the Western narrative stemming from World War I that inadvertent escalation causes major war, and therefore crisis management is the key to maintaining peace.74 This has created a situation in which the main U.S. goal has been de-escalation in each crisis or incident with Beijing. But Chinese leaders do not share this mindset—they believe leaders deliberately control the escalation process and therefore wars happen because leaders decide at a given juncture that the best option is to fight.75 China is masterful at chipping away at U.S. credibility through advancing militarization and coercive diplomacy. It often uses limited military action to credibly signal its willingness to escalate if its demands are not met. Strategist Thomas Schelling theoretically captured this approach when he wrote it is “the sheer inability to predict the consequences of our actions and to keep things under control … that can intimidate the enemy.”76 Because China introduces risk for exactly this reason, the U.S. focus on deescalation through crisis management is unlikely to produce any change in Chinese behavior—if anything it will only encourage greater provocations. Beijing has identified the U.S. fear of inadvertent escalation, and is exploiting it to compel the United States to give in to its demands and preferences. In this way, the U.S. focus on de-escalation may actually be the source of instability by rewarding and encouraging further Chinese provocations. To signal to China that the United States will not opt out of a conflict, Washington must signal willingness to escalate to higher levels of conflict when China is directly and purposely testing U.S. resolve. This may include reducing channels of communication during a conflict, or involving additional regional actors, to credibly demonstrate that China will not be able to use asymmetry of resolve to its advantage. The current mindset—that crisis management is the answer in all scenarios— will be difficult to dislodge, given the tendency among U.S. military ranks to focus on worst-case “great battle” scenarios. While realistic in Cold War operational planning, decision makers should consider instead the less violent and prolonged engagements that characterize Chinese coercive diplomacy when evaluating risk and reward, such as the 1962 Sino–Indian War or the 1974 Battle of the Paracel Islands. The idea that any conflict with China would escalate to a major war, destroy the global economy, and perhaps even escalate to a nuclear exchange has no foundation in Chinese thinking, and causes the United States to concede in even the smallest encounters. While the Chinese leadership has proven to be more risk-acceptant than the United States (or perhaps more accurately, to assess the risks to be less than those perceived by U.S. strategists), Xi still wants to avoid an armed conflict at this stage. In his November 2014 keynote address at the Central Foreign Affairs Work Conference, he noted that China remains in a period of strategic opportunity in which efforts should be made to maintain the benign strategic environment so as to focus on internal development.77 Ultimately, the U.S. regional objective must be peace and stability at an acceptable cost. Given this, it is critical to understand the four components of China’s A2/AD strategy, the strategic foundation for China’s recent assertiveness, and how best to maintain the U.S. position as a Pacific power. In addition to regularly attending meetings in the region and developing new technology, new platforms, and new operational concepts designed to defeat China’s A2/AD strategy, the United States needs to break free of its Cold Warbased paradigm paralysis and rethink conceptions of limited war, escalation, and risk. Scolding China and imposing symbolic costs for each maritime incident is unlikely to inspire the corrective change U.S. thinkers are hoping for. The United States needs to fundamentally change its approach by accepting higher risk and allowing for the possibility of escalation—both vertically in force as well as horizontally to include other countries. This admittedly is a difficult balance, especially given the need to avoid emboldening U.S. allies to take actions that run contrary to U.S. interests. But only by mastering these two balancing acts—focusing on balancing resolve, rather than forces, and prioritizing stability over crisis management—will the United States be able to maintain peace and stability in East Asia without sacrificing U.S. or allied interests

**Empirical evidence shows competition policy is preferable.**

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Ruben Maximiano and Cristina Volpin, December 2 2020, “The Role of Competition Policy in Promoting Economic Recovery,” OECD, https://one.oecd.org/document/DAF/COMP(2020)6/en/pdf

A significant array of empirical evidence shows that competition delivers many benefits at both macro and micro-economic levels. At the macro-economic level **competition promotes the optimal use of scarce economic resources, drives economic growth, boosts firms’ productivity and production levels, multiplies business opportunities and can help reduce inequality and create more and better jobs** (OECD, 2014[34]). At the micro level, **competition leads to better prices, greater choice and higher quality of goods and services**. Competition also accelerates the adoption of new technologies and encourages innovation. This works as a virtuous circle, since a competitive and innovative firms will spur its competitors to compete and innovate. It is this mechanism that then leads to the macro economic benefits boost of growth, benefits that accumulate over time, increasing prosperity in the long run. When the variety of innovation is not protected, consumers are more exposed and more severely affected by demand or supply shocks. This is particularly relevant in a pandemic and post-pandemic world. Using the example of the US market for medical ventilators during the Covid-19 pandemic, Scott Morton (2020[35]) underlines the importance of competition as a key driver of quality, choice and innovation and, in particular, in preserving the variety of innovation. **Competition can help ensure more stable distribution of essential goods**. Even when disruption occurs, in competitive supply chains, these may be corrected by competitors’ entry. Moss and Alexander (2020[36]) have argued that competition can help ensure that food systems (including agricultural inputs, processing, manufacturing, and distribution) are more resilient. The authors state that, while shocks such as extreme weather conditions, diseases and conflict regularly affect food supply chains, those economies where competition is vigorous are less likely to suffer disruptions.

**The aff solves—it enables tailored remedies that promote competition but maintain efficiency**

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(Herbert, “Antitrust and Platform Monopoly,” 130 Yale L.J. 1952)

More Creative Alternatives

Frequently, **neither** simple **injunctions** nor **simple breakups** will be **good solutions for platform monopoly**. Injunctions may be inadequate to restore competition, and breakups may **impair efficient operation** and **harm consumers** in the process.

The case for a breakup is strongest when noncompetitive performance or conduct seems to be inherent in a firm’s current structure. Even then, however, there is no guarantee that the firm, once dismantled, will perform any better than before. For example, how do we break up Facebook without harming the constituencies that it serves?

The approaches discussed briefly in this Section **do not require the breakup of assets** or the **spinoff of divisions** or subsidiaries other than some that have been acquired by merger. Rather, they alter the nature of ownership, managerial **decision making**, **contracts**, intellectual-property **licenses**, or information management. Instead of **attempting to force greater competition** between a dominant platform and its rivals, we might do better to **leave the firm intact** but **encourage more competition within it**. Alternatively, we might increase interoperability by requiring more extensive sharing of information or other inputs. While the current antitrust statutes grant the courts equitable power sufficient to accomplish these remedies,299 the proposals are novel and could provoke resistance.

These remedies can be applied to entities other than structural monopolies, and for offenses under both section 1 and **section 2 of the Sherman Act**. While less intrusive than asset breakups, however, they can be more intrusive than simple conduct injunctions. As a result, they should be limited to situations where **prohibitory injunctions alone are unlikely to be adequate**. **Occasional uses of unlawful** exclusive **dealing**, most-favored-nation agreements,300 or other anticompetitive contract practices **deserve an injunction**, but ordinarily **would not merit a breakup** of the entire firm or fundamental alteration of its management structure.

The traditional way that antitrust law applies structural relief is to break up firms’ various physical assets, through such devices as forcing selloffs (divestiture) of plants, products, or subsidiaries.301 To the extent these breakups interfere with a firm’s production and distribution, **they can produce harmful results** such as increased costs or loss of coordination. This is particularly true of integrated production units, such as single digital platforms. The D.C. Circuit noted this concern in Microsoft when it refused the government’s request for a breakup.302

a. Enabling Competition Within the Platform

One alternative to divestiture is to leave a platform’s physical assets and range of participants intact but change the structure of ownership or management so as to make it more competitive internally. A platform or other organization **can itself be a “market”** within which competition can occur. In that case, antitrust law can be applied to its internal decisions, **improving competition** **without** limiting the **extent of scale economies or beneficial network effects.**

Ordinarily, agreements among subsidiaries or other agents within a firm are counted as unilateral and so are attributed to the firm itself.303 That rule is a direct consequence of the separation of ownership and control. The all-important premise, however, is that the firm’s central management is the only relevant economic decisionmaker. When that is not the case, even agreements among the various constituents within the firm can be treated as cartels.

There is plenty of precedent on this issue. The history of antitrust law is replete with examples of incorporated firms that are owned or managed by distinct and often competing entities. The courts have treated these firms as cartels or joint ventures, even for practices that, from a corporate law perspective, appeared to be those of a single firm. If properly managed, the result can be to force entities within the same incorporated organization to behave competitively vis-à-vis one another.

Firms whose ownership is reorganized in this fashion **can still be very large** and **retain** most of the **attributes of large firms**. On the one hand, this will **satisfy** those concerned that the breakup of large firms can **result in the loss of economies of scale or scope**, or of other synergies that generally lead to high output and lower prices. **On the other hand,** it will not satisfy those who believe that “big is bad” for its own sake.304

Joint management of unified productive assets has a storied history that goes back to the Middle Ages. Farmers, ranchers, and fishermen produced cattle, sheep, and fish on various “commons,” or facilities that were shared among a large number of owners and subjected to management rules.305 Many of these operated on a mixed model that involved individual production for stationary products such as crops, but a commons for grazing cattle or other livestock. For mobile products such as cattle or fish, the costs of shared management were lower than the costs of creating or maintaining boundaries. That was not the case for radishes or wheat. So rather than cutting a large pasture or bay into 100 fenced-off plots, participating property owners operated it as a single economic unit, substituting management costs for fencing costs. Just as for any firm, size and shape are determined by comparing the costs and payoffs of alternative forms of organization.306

So while a commons can be a very large firm, it can be operated by a collaboration of competing entities rather than a single one. Output reductions and price setting by a single firm are almost always out of reach of the federal antitrust laws. On the other hand, if a market is operated by a joint venture of

active business participants, their pricing is subject to the laws against collusion. Their exclusions also operate under the more aggressive standards that antitrust applies to concerted, as opposed to unilateral, refusals to deal.307 The fact that this joint venture is a corporation organized under state law, as many ventures are, does not make any difference. It is still a collaboration as far as antitrust law is concerned.

The theory of the firm precludes claims of an antitrust conspiracy between a corporation and its various subsidiaries, officers, shareholders, or employees. This preclusion is an essential corollary to the proposition that a corporation is a single entity for most legal purposes and not simply a cartel of its shareholders or other constituent parts. This is how corporate law preserves the boundary between firms and markets.308

But important exceptions exist. While a corporation is a single entity for most antitrust purposes, if it is operated by its shareholders for the benefit of their own separate businesses, its conduct is reachable under section 1 of the Sherman Act. A cartel is still a cartel even if it organizes itself into a corporation.

The classic antitrust example of such a collaborative structure is in the 1918 Chicago Board of Trade case, which first articulated the modern rule of reason for antitrust cases.309 As Justice Holmes had described the Board thirteen years previously, 310 it was an Illinois state-chartered corporation whose 1600 members were themselves traders for their own individual accounts, and with individual exclusive rights to do business on the Board’s trading floor.311 The “call rule,” which prevented collaborative price making among the members except during exchange hours, could not have been challenged under the antitrust laws as unilateral conduct. A single firm may set any nonpredatory price it wishes. Further, all of the relevant participants were inside the firm. Nevertheless, they were regarded as independent actors for the purpose of trading among themselves.

Thus the United States challenged the call rule as price fixing among competitors. 312 Not only is the substantive law against such collaborative activity more aggressive than that against unilateral actions, but the remedial problems are less formidable. If a firm acting unilaterally should set an unlawful price, the court must order it to charge a different price, placing it in the awkward position of a utility regulator. By contrast, price fixing by multiple independent actors operating in concert is remedied by a simple order against price fixing, requiring each participant to set its price individually without dictating what the price must be. The Supreme Court ultimately found the Chicago Board’s call rule to be lawful. If it had not, however, the remedy would have been an injunction against enforcement of the rule, leaving the members free to set their own prices. In fact, the United States’ requested relief was precisely that.313

The same thing applies to refusals to deal. If a firm is acting unilaterally, its refusal to deal is governed by a strict standard under which liability is unlikely, particularly if there has not been an established history of dealing.314 Further, in many circumstances a court can enforce a dealing order only by setting the price and other terms. By contrast, if the entity that refuses to deal is operated by a group of active business participants, its collective refusal to deal is governed by section 1 of the Sherman Act. A court usually need do no more than issue an injunction against the agreement not to deal. This is true even if the actors have incorporated themselves into a single business entity, as in the Associated Press case, which involved a New York corporation whose members were 1200 newspapers. 315 The government charged the Association with “combining cooperatively” to prohibit news sales to nonmembers or making it more difficult for a newspaper to enter competition with an existing newspaper.316 The Court upheld an injunction against the restrictive rules under the Sherman Act.317

The modern business world provides many analogies to this structural situation. For example, each of the NCAA’s 1200 member schools operates as a single entity in the management of education, student housing and discipline, and financing of its own operations, including athletic departments. By contrast, the rules for recruiting and maintaining athletic teams, their compensation, as well as the scheduling, operation, and playing rules of games, are controlled through rulemaking by the collective group.318 While the schools compete with one another in recruiting athletes and coaches, in obtaining both live and television audiences, and in the licensing of intellectual property, all of these things fall within NCAA rulemaking and are reachable by antitrust law. Specifically, decisions to restrict the number of televised games;319 to limit the compensation of coaches320 or players;321 or to limit licensing of students’ names, images, and likenesses322 all fall within section 1 of the Sherman Act. When a violation is found, the antitrust remedy is an injunction permitting each team to determine its choices individually.

The same analysis drove the American Needle litigation, a refusal-to-deal case that involved the National Football League (NFL).323 The NFL is an unincorporated association controlled by thirty-two individual football teams, each of which is separately owned. NFL Properties (NFLP) is a separate, incorporated LLC in New York, controlled by the NFL. The individual teams are members, and they also collectively control the licensing of the teams’ substantial and individually owned intellectual-property rights. In this case, the team members voted to authorize NFLP to grant an exclusive license to Reebok to sell NFLlogoed headwear (i.e., helmets and caps) for all thirty-two teams.324 The plaintiff, American Needle, was a competing manufacturer that the agreement excluded.325

The issue for the Supreme Court was whether NFLP’s grant of an exclusive license should be addressed as a “unilateral” act of NFLP or as a concerted act by the thirty-two teams acting together, and the Court unanimously decided the latter.326 As a matter of corporate law, the refusal to deal appeared to be unilateral. NFLP, the licensing party, was an incorporated single entity. The lower court had relied on earlier Seventh Circuit decisions holding that professional sports leagues should be treated as single entities under these circumstances.327

The Supreme Court’s decision to the contrary was consistent with its earlier cases Sealy328 and Topco.329 In both of those cases, the Court held that even if an entity is incorporated, it can be addressed as a collaboration of its competing and actively participating shareholders. In Sealy, each member was a shareholder, and collectively the members owned all of Sealy’s stock.330 In Topco, each of the twenty-five members owned an equal share of the common stock, which had voting rights. They also owned all of the preferred stock, which was nonvoting, in proportion to their sales.331

Agreements among the active memb+ers or shareholders on incorporated real-estate boards are treated in the same way. Acting as a single entity, the board organizes the listing of properties for sale, formulates listing rules, promulgates standardized listing forms and sales agreements, and controls much of the conduct of individual brokers. Acting individually, the shareholder-brokers show properties to clients and obtain commissions from sales. Each real-estate office acts as not only a shareholder or partner in the overall organization, but also a competitor for individual real-estate sales.

Without discussing single-entity status, in 1950 the Supreme Court held that price fixing among real-estate agents who were members of an incorporated board was an unlawful conspiracy.332 A leading subsequent decision involved Realty Multi-List, a Georgia corporation organized and owned by individual real-estate brokers.333 Under the corporation’s arrangement, one shareholder member could show properties listed by a different shareholder member.334 The Fifth Circuit concluded that both the agreements among the members fixing commission rates and setting exclusionary and disciplinary rules for brokers who deviated from these rates were unlawful under section 1 of the Sherman Act.335

In the 2000s, the government and private plaintiffs sued several multiplelisting services, challenging their decisions to exclude real-estate sellers.336 The Fourth Circuit eventually applied American Needle, rejecting the contention that concerted action was lacking because the parties making the decision were acting as “agents of a single corporation.”337 Several other decisions have arrived at similar results reaching both price fixing and concerted exclusion.338

Hospital-staff-privileges boards also provide an analogy. Hospitals regularly use such boards to decide which physicians can be authorized to practice at the hospital. If physician-board members with independent practices deny staff privileges to someone, they may be treated as a conspiracy rather than a single actor.339

Even an incorporated natural monopoly can be subject to section 1 of the Sherman Act if it is controlled by its shareholders for their separate business interests. That issue arose in the 1912 Terminal Railroad decision.340 The railroadbridge infrastructure across the Mississippi was very likely a natural monopoly, given it operated as a bottleneck through which all traffic across the river had to pass.341 However, the facility was incorporated, and its shareholders were a group of thirty-eight firms and natural persons organized by railroad financier Jay Gould.342 The venture constituted a single corporation under Missouri law, but it was actively managed by its shareholder participants, all of whom had separate businesses. They were mainly individual railroads, a ferry company, bridges, a “system of terminals,” and several individuals.343 The venture thus controlled an extensive collection of railroad transportation, transfer, and storage facilities at a point at which all east-west traffic in that part of the country had to cross the Mississippi River.344

The Court’s order is both interesting and pertinent to platforms. It rejected the government’s request for dissolution. It noted that dissolving the corporation would do nothing to eliminate the bottleneck.345 Rather, it ordered the district court to fashion a “plan of reorganization” that permitted all shippers, whether or not they were members of the organization, to have access on fair and reasonable terms, with the goal of “plac[ing] every such company upon as nearly an equal plane as may be with respect to expenses and charges as that occupied by the proprietary companies.”346 Dissolution would be mandated only if the parties failed to agree on these terms.347

The *Terminal Railroad* decree suggests a way to remedy anticompetitive behavior by large digital platforms representing several sellers **without sacrificing operational efficiencies**. Rather than requiring divestiture of productive assets, which almost always leads to higher prices, we could restructure ownership and management. A large firm such as Amazon can attain economies of scale and scope that rivals cannot match. Further, **Amazon benefits consumers**, most suppliers, and labor, by selling its own house brands and the brands of third-party merchants on the same website. This is how a seller of house brands can break down the power of large name-brand sellers.348

The problem is not that Amazon sells too much, but rather that Amazon’s ownership and management make it **profitable for Amazon to discriminate** in favor of its own products and against those of third-party sellers, or to enter other anticompetitive agreements with independent sellers. Breaking up Amazon or forcing a physical separation of own-product and third-party sales would mean giving up a great deal of brand rivalry that benefits consumers.

Suppose a court required Amazon to turn important commercial decisions over to a board of active Amazon participants who made their own sales on the platform, purchased from Amazon, or dealt with it for ancillary services. Acting collaboratively, they could control product selection, distribution and customer agreements, advertising, internal product development, and pricing of Amazon’s own products. Their decisions would be subject to antitrust scrutiny under section 1 of the Sherman Act.

Such an approach could be particularly useful in situations involving **refusals to deal**. To illustrate, an important focus of the EU’s November 2020 Statement of Objections Against Amazon is on claims that Amazon “artificially favour[s] its own retail offers” in product areas where it sells both its own and third-party merchandise.349 Under current United States antitrust law, a firm acting unilaterally would not be prevented from discriminating between its own and thirdparty sales. That was the very issue in Trinko—namely, that monopolist Verizon discriminated against third-party carriers and favored its own.350

If decision making in this area were entrusted to a board of active sellers, including both Amazon itself and third parties, the section 1 standard would reach the conduct. Justice Scalia’s Trinko opinion, citing Terminal Railroad, observed that the Supreme Court had imposed nondiscrimination obligations under similar circumstances, but only when the government was attacking concerted rather than unilateral conduct.351 Further, when such conduct is concerted, it is “amenable to a remedy that does not require judicial estimation of free-market forces: simply **requiring** that the outsider be **granted nondiscriminatory admission** to the club.”352 The number and diversity of participants could vary, but they should be sufficiently numerous and diverse to make anticompetitive collusion unlikely. That could include individual merchants who sell on Amazon, principal shareholders, and perhaps customers and others. The Board should be subject to rules setting objective standards for product selection.

Numerosity should not interfere with effective operation. The Chicago Board of Trade had 1800 trading members and decisionmakers in 1918, when organizational rules and procedures were still being managed with pencil and paper.353 The NCAA has more than 1200 member schools,354 and the Associated Press had more than 1200 member newspapers in 1945.355 The Terminal Railroad Association had 38 shareholder members, but the decree contemplated nondiscriminatory sharing with any non-shareholder who wished to participate. 356 One large real-estate board, the Chicago Association of Realtors, has

over 15,500 members.357

The designated decisionmakers need not be Amazon shareholders, as long as they have independent business interests and operate on Amazon. In fact, the details of state corporate law or organization would not ordinarily affect the federal antitrust issue. For example, in some of these cases—such as Terminal Railroad, 358 Sealy,359 and Topco360—the relevant decisionmakers owned shares in the corporation. In American Needle, the organization in question was NFL Properties, an LLC,361 which does not have shareholders but rather owner-members similar to a partnership. Similarly, in Associated Press, the Court probed a cooperative association incorporated under the Membership Corporation Laws of New York.362

Whether the court applies the per se rule or the rule of reason in such cases would depend on the offense. In NCAA, the Supreme Court concluded that the rule of reason should apply to all restraints undertaken by the association because cooperation was necessary to the creation of the product: intercollegiate sports.363 That is not the case with product sales on Amazon. Rather, the traditional distinction between naked and ancillary restraints would work well. Price fixing or unjustified limitations on output would be strongly suspect.364 On the other hand, rules establishing uniform practices governing distribution and resolution of customer complaints could certainly be reasonable and thus lawful. Concerted refusals to deal can cover a range of practices from naked boycotts motivated by price (per se unlawful)365 to reasonable standard setting (rule of reason),366 and should be addressed accordingly.

Such an approach **would notably not aim at size *per se*.** An Amazon with competitively restructured management could be **just as large as it is now**. Indeed, **it could be even larger**. Cartels and monopolies function by **restricting output**, and facilitating internal competition could serve to increase it. Amazon would likely **retain the efficiencies that flow from its size and scope**. We would have effectively **turned the internal workings of its platform into a market**. It still might be in a position to undersell other businesses or to exclude products that its members and rules disapprove. **If it did so in an anticompetitive manner,** however, section 1 of **the Sherman Act could be applied**.

**1AC---Plan**

Plan---

**The United States federal government should increase prohibitions on those anticompetitive business practices which cause net-harm on one side of platforms.**

**1AC---Conduct**

Advantage 2 is Conduct---

**The full scope of *Amex* is unclear—companies will exploit it to misuse their platforms—that’s effectively impossible to police**

**Khan**, JD, FTC Chair, former director of legal policy with the Open Markets Institute, former professor at Columbia Law, **‘18**

(Lina, “The Supreme Court just quietly gutted antitrust law,” July 3, <https://www.vox.com/the-big-idea/2018/7/3/17530320/antitrust-american-express-amazon-uber-tech-monopoly-monopsony>)

Antitrust laws have never permitted monopolistic firms to wield their market power against one set of customers so long as they benefit another set of players. Yet this kind of “balancing” is exactly what the Second Circuit ratified. Consider: Under the logic the appeals court used, an anticompetitive scheme by Uber to suppress driver income would not be considered illegal unless those bringing the suit showed that riders were also harmed.

What’s more, the court said, plaintiffs have to **meet this new burden** at the **very earliest stage of litigation.**

Last Monday, a 5-4 majority on the Supreme Court upheld that approach. Not only does the decision show stunning disregard for core elements of antitrust law, it carelessly mangles long-accepted legal rules along the way to establishing its position. Perhaps most strikingly, it overrides or ignores facts established by the district court.

For example, the Supreme Court states that AmEx’s increased merchant fees reflect “increases in the value of its services,” even though the lower court expressly found that AmEx’s price hikes exceeded the value of the cardholder rewards.

**In practice**, the Court has **shielded from effective antitrust scrutiny a huge swath of firms** that provide services on more than one side of a transaction — and, in today’s digital economy, **there are many** (as Justice Stephen Breyer noted in a dissent he read from the bench to emphasize his concerns).

Worse yet, **the Court left unclear what kinds of businesses actually qualify for this new rule**. As the Open Markets Institute, for which I work, explained in an amicus brief, deciding an antitrust case using the amorphous concept of a “two-sided” market **will incentivize all sorts of companies to seek protection under this bad new theory**.

What kinds of companies **might have more freedom** to exert pressure on customers, as a result of this decision? Not newspapers, the Court said: Readers are “largely indifferent” to the number of advertisements on newspaper pages, even though advertisers are looking to reach readers. So someone suing a newspaper on antitrust grounds (say, for prohibiting advertisers from doing business with other newspapers) would not have to prove that a newspaper’s conduct harmed both readers and advertisers.

On the surface, the Court’s language suggests that the special rule **would apply to Amazon’s marketplace** for third-party merchants, to eBay, and to Uber — but not to Google search or Facebook. Indeed, the Justice Department’s antitrust division chief, Makan Delrahim, has also come to this conclusion about the scope of the decision. But the Court’s opinion **hardly delivers a clear and workable standard for judges to go by**.

One can imagine the **reams of studies Google would commission** to show that targeting users with advertising **did indeed amount to a “transaction**” with users that users highly valued — a showing that, if successful, **would likely qualify it for the shield of the special rule**. If so, Google might be able to **impose exclusionary contracts** on advertisers and **significantly boost the prices it charges** them. Amazon, meanwhile, can continue to **squeeze the suppliers** and retailers reliant on its platform with **little worry** about being charged with the abuse of monopsony power.

Federal judges generally lack the expertise needed to **independently assess the hyper-complex economic studies that this new rule will spur**. Rather than focusing on the conduct between a company and one set of its customers, **the new rule requires a much more involved showing.**

***Amex* undermines enforcement against nascent acquisitions**

**Salop**, Professor of Economics & Law, Georgetown University Law Center and Senior Consultant, Charles River Associates, **‘21**

(Steven, “Dominant Digital Platforms: Is Antitrust Up to the Task?” yalelawjournal.org/pdf/SalopEssay\_rnon2ejq.pdf)

This most recent agency loss involved an **acquisition by a dominant digital platform.** Sabre is a **digital platform** that permits airlines to post schedules, fares and seat availability and allows travel agents to access this information, make travel bookings and pay for them. Sabre proposed to acquire Farelogix, which provides technology to airlines. This technology allows an airline to disintermediate Sabre by allowing the airline to **connect directly to travel agencies** and provide travel agencies with information and ticket-booking services itself. Thus, this acquisition **was analytically like a vertical merger**, where Farelogix **sells a critical input** (i.e., its technology) to airlines, which they use to compete with Sabre for the business of travel agents. The competitive concern is that Sabre would **foreclose airlines’ ability to acquire the Farelogix technology input.**

Perhaps attempting to exploit the horizontal-merger structural presumption and avoid the difficulties they faced in AT&T/Time Warner, the DOJ did not litigate the case as a vertical merger. Instead, the complaint alleged that Sabre and Farelogix competed in the provision of booking services for airline tickets sold through travel agencies. This competition is indirect, resulting from Farelogix working with the individual airlines to disintermediate Sabre. However, the trial court did not miss the point. It observed that “Sabre and Farelogix view each other as competitors” and found that “the record reflects competition between Sabre’s and Farelogix’s direct connection solutions for airlines.”94

Having concluded that competition was reduced by the merger, the trial court **nonetheless rejected the DOJ’s complaint** on the grounds that Farelogix and Sabre **do not compete in the two-sided platform market**.95 While Sabre provides services to customers on both sides (i.e., to both airlines and travel agencies), Farelogix provides services to **only one side** (i.e., to airlines, but not to travel agencies). The travel agency services are provided by the airlines themselves, using the Farelogix technology.

This approach was both defective and unnecessary because Sabre competed with the combination of Farelogix and the airlines.96 Yet the court thought that **American Express compelled the opposite result**, despite its own fact-finding and the vertical nature of the transaction. If other U.S. courts similarly follow this same defective approach, the result will be **underdeterrence of anticompetitive acquisitions by digital platforms**.97 Indeed, this approach would lead to **ludicrous results**. Under this reasoning, Microsoft could have **legally ended the competitive threat from Netscape** and Java simply **by acquiring them instead of trying to destroy them.**

**Exclusionary practices suppress innovation---sole big tech innovation has reached its ceiling**

**Allensworth**, Professor of Law at Vanderbilt Law School, **‘21**

(Rebecca, “Antitrust’s High-Tech Exceptionalism,” 130 Yale L.J. 588)

E. Whither Innovation?

As a theoretical matter, big tech’s refusals to deal and predatory copying **suppress innovation**. A retailer with a new idea for a household product will be **less inclined to invest** in producing it if he knows Amazon can **appropriate the returns**. A developer with a better “app for that” will be less likely to bring it to market if she believes Apple or Facebook might someday **remove it from their platforms.** And if a rival search company cannot hope to keep its data private from Google, it will not invest in building a better search engine to try to take on the giant.

Whether big tech stifles innovation as an empirical matter is less clear, but there is anecdotal evidence that it does. During a recent hearing following the House Judiciary Committee’s investigation into competition abuses among high-tech firms, Representative Cicilline read a quote that he said was typical of the entrepreneurs he interviewed: “If someone came to me with an idea for a website or a web service today, I’d tell them to run. Run as far away from the web as possible.”111 **Venture capital,** while booming overall,112 **is shy about funding projects that might compete with Big Tech**. The best-case scenario for a start-up is acquisition by one of the big four—a lucrative payday, for sure, but nothing compared to what could come from **actually toppling a dominant firm**. This puts a **ceiling on the upside**, and with the **ever-present risk of failure**, **it likely leads to under-investment in new ideas**. As one funder put it, **“[w]e don’t touch anything that comes too close to Facebook, Google or Amazon**.”113

CONCLUSION: “ANTITRUST IS GREEDY”

The promise that we saw in high tech during its first boom—that it would change the way we work, communicate, shop, and play—**has largely been realized**. Few can argue with the efficiencies that digital communication and commerce have brought to our lives and markets. But, as Professor Herbert Hovenkamp has said, **“antitrust is greedy.”**114 It wants not only efficiency in end products, but efficiency in the competitive process that brings them about. During the dot-com era, American antitrust institutions became enthralled with the idea that encouraging the development of dynamic, innovative products required **compromising our commitment to dynamic**, innovative markets. That compromise contributed—in a way that is often overlooked—to the current competition crisis in big tech.

**Platform misuse enables a host of bad practices—undermines cyber security**

**Stucke** is a co-founder of The Konkurrenz Group and a law professor at the University of Tennessee, **‘18**

(Maurice, “Here Are All the Reasons It’s a Bad Idea to Let a Few Tech Companies Monopolize Our Data,” <https://hbr.org/2018/03/here-are-all-the-reasons-its-a-bad-idea-to-let-a-few-tech-companies-monopolize-our-data>)

So, the divergence in antitrust enforcement may reflect differences over these data-opolies’ **perceived harms.** Ordinarily the harm from monopolies are higher prices, less output, or reduced quality. It superficially appears that data-opolies pose little, if any risk, of these harms. Unlike some pharmaceuticals, data-opolies do not charge consumers exorbitant prices. Most of Google’s and Facebook’s consumer products are ostensibly “free.” The data-opolies’ scale can also mean higher quality products. The more people use a particular search engine, the more the search engine’s algorithm can learn users’ preferences, the more relevant the search results will likely be, which in turn will likely attract others to the search engine, and the **positive feedback continues**.

As Robert Bork argued, there “is no coherent case for monopolization because a search engine, like Google, is free to consumers and they can switch to an alternative search engine with a click.”

How Data-opolies Harm

But higher prices are not the only way for powerful companies to **harm their consumers** or the rest of society. Upon closer examination, data-opolies can **pose at least eight potential harms.**

**Lower-quality products** with **less privacy**. Companies, antitrust authorities increasingly recognize, can **compete on privacy and protecting data**. But **without competition**, data-opolies **face less pressure**. They can depress privacy protection below competitive levels and **collect** personal data **above competitive levels**. The collection of too much personal data can be the equivalent of charging an excessive price.

Data-opolies can also fail to disclose what data they collect and how they will use the data. They face little competitive pressure to change their opaque privacy policies. Even if a data-opoly improves its privacy statement, so what? The current notice-and-consent regime is meaningless when there are **no viable competitive alternatives** and the **bargaining power is so unequal.**

Surveillance and security risks. In a monopolized market, personal data is concentrated in a few firms. Consumers have limited outside options that offer better privacy protection. This raises additional risks, including:

Government capture. The fewer the number of firms controlling the personal data, the greater the potential risk that a government will “capture” the firm. Companies need things from government; governments often want access to data. When there are only a few firms, this can increase the likelihood of companies secretly cooperating with the government to provide access to data. China, for example, relies on its data-opolies to better monitor its population.

Covert surveillance. Even if the government cannot capture a data-opoly, its rich data-trove increases a government’s incentive to circumvent the data-opoly’s privacy protections to tap into the personal data. Even if the government can’t strike a deal to access the data directly, it may be able to do so covertly.

Implications of a data policy violation/**security breach**. Data-opolies have greater incentives to prevent a breach than do typical firms. But with more personal data concentrated in fewer companies, **hackers**, **marketers**, political **consultants**, among others, have even greater incentives to find ways to **circumvent or breach the dominant firm’s security measures**. The concentration of data means that if one of them is breached, the harm done could be **orders of magnitude greater** than with a normal company. While consumers may be outraged, a dominant firm has less reason to **worry of consumers’ switching to rivals.**

#### Monopolization leads to monoculture, which increases the risk of massive systemic failure---competition solves.

Duan 20 – Director of Technology and Innovation Policy, R Street Institute, Washington, D.C.

Charles Duan, “Of Monopolies and Monocultures: The Intersection of Patents and National Security,” Santa Clara High Technology Law Journal, Vol. 36, Issue 4, Article 5, May 2020, https://digitalcommons.law.scu.edu/cgi/viewcontent.cgi?article=1655&context=chtlj

B. Vulnerabilities of “Monocultures”

A second reason why monopoly undermines cybersecurity is that monopoly leads to a “monoculture” of single-vendor products, opening the door to massive systemic failure in the case of a cyberattack. Computer researchers developed the theory of software monocultures in the early 2000s, in response to the regular phenomenon of computer viruses and other attacks spreading rapidly by exploiting flaws in the dominant operating system at the time, Microsoft Windows.165 Where a computer system such as Windows has a commanding share of users, a virus that exploits a flaw in that system can quickly spread to infect a whole interconnected ecosystem. An operating system monopoly thus enables fast and easy spread of cyberattacks, and better cybersecurity would be achieved through greater diversity in online systems.166 As one research group posited, “a network architecture that supports a collection of heterogeneous network elements for the same functional capability offers a greater possibility of surviving security attacks as compared to homogeneous networks.”167

There has been considerable study of the theory that computer monocultures are naturally more vulnerable to attacks.168 In one study, computer science researchers reviewed a catalog of 6,340 software vulnerabilities recorded in 2007, to compare whether comparable software would share the same flaws.169 Of the 2,627 vulnerabilities applicable to application software (as opposed to operating systems, web scripts, and other software components), only 29 (1.1%) applied to substitute products from different vendors but providing the same functionality.170 By contrast, different versions of a single software product were found to share vulnerabilities 84.7% of the time.171 Thus, software monocultures share exploitable flaws even when there is some variation in versions across the monoculture; by contrast, diversity in software is almost guaranteed to prevent a single flaw from affecting all users.

In the case of 5G and wireless mobile communications, a monoculture is an especially concerning possibility. To the extent that systems such as smart city sensors or communication networks are widely deployed in a monoculture fashion, a widespread attack could have devastating consequences, potentially blacking out a region and affecting essential services such as 911.172 A monoculture that is vulnerable to so-called “rootkits” or “backdoors”—maliciously installed software that enable bad actors to commandeer systems—could also enable mass surveillance or spying by private hackers or foreign governments.173 The presence of systems from multiple vendors would mitigate these possibilities.

The monoculture theory is not without critics, but a review of those criticisms shows them to be inapplicable to contemporary communication technologies. Some critics suggest that software diversity imposes unwarranted costs on firms who must forego economies of scale and devise seemingly duplicative yet different setups of computer systems.174 But those concerns largely focus on the situation where a single firm produces and manages heterogeneous systems, concerns that are avoided where heterogeneity arises naturally through competition between two unrelated firms. Critics also argue that technological measures can create “artificial diversity” through automated randomization of software code, so software engineers can purportedly solve monoculture issues and device users need not worry about the issue.175 But even these critics acknowledge that artificial diversity techniques are often insufficient because they must make assumptions about what aspects of the technology are most vulnerable to attack, and they concede that artificial diversity cannot stop attacks involving operation of legitimate software functions in undesirable ways (sending spam emails or deleting document files, for example).176

It is widely recognized that a monoculture is unavoidable in at least one respect: Most connected devices will need to conform to technical standards.177 5G, for example, is a technical standard developed by a private industry consortium called 3GPP.178 A flaw in any such standard would render all mobile devices implementing the standard vulnerable to an identical attack.179 Avoiding these sorts of systemic flaws in standards requires rigorous development, analysis, and testing of the standard in the development process, which in turn requires ensuring that as many firms as possible, especially firms that share basic American values, are involved in the development of those standards.180 Thus, the necessary standardization of information and communication technologies is perhaps the most important reason why a competitive communication technology market is essential to cybersecurity and national security.

#### Concentration creates uniqueness.

Mike Elgan, Security Intelligence, Why Security Pros Can’t Ignore Big Data Monopolies, April 15, 2021, <https://securityintelligence.com/articles/security-pros-cant-ignore-big-data-monopolies/>

The rise of the cloud didn’t free us from concerns over who stores our data. Where matters, and major cloud providers and big data monopolies host a huge percentage of the world’s data. Thousands of organizations that store and manage personal, business and government data use big-name cloud providers. Smartphone platform companies house and process terabytes of the data that flows through mobile networks. Social networks house and control the data on billions of people worldwide — certainly the personal data of effectively all employees in your company.

And, that creates challenges, too. For example, cyber criminals and state-sponsored threat actors find data held in a central hub a tempting target. It’s time for a wider conversation among security specialists and industry leaders about how to better protect this data. Let’s take a look at the risks and challenges of a big data monopoly.

What’s the Problem With a Big Data Monopoly?

There are many problems with a big tech monopoly from a security perspective. The companies that hold data monopolies are ripe targets for attackers. Many holders of this big data do have thorough security, since they know they’re targets, too. It’s tempting to relax about data on these platforms.

But it’s also true that cyber criminals, state-sponsored threat actors, blackmailers and others all have a giant incentive to go after the monopolies, because that’s where the most data is.

**Platform monopoly ensures any breach cascades, collapses society**

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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 econom**y (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.**

#### Critical infrastructure attacks 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.

# 2ac

## 2AC

### 2AC---F/W---T/L

#### The burden of the negative should be proving that the aff is on-balance worse than a hypothetical alternative---

#### a---Fairness---any other interpretation shifts the goalposts and moots 9 minutes of the 1AC---that’s a prerequisite to having a debate at all.

#### b---Clash---their model justifies an infinite number of critiques which undermines comparison of political strategies---makes effective engagement impossible which flips their offense.

#### c---Debating specific policy proposals in a fictional world in which they’re enacted is the best method of developing ideas and generating new political realities.

Katyal, Paul Saunders Professor at Georgetown University, focuses on Constitutional Law, Criminal Law, and Intellectual Property, former Acting Solicitor General of the United States, former Dartmouth debater, ‘19

(Neal, “Books, Debate, Specificity,” Michigan Law Review, Vol. 117, Issue 6)

I never thought I’d say this, but it turns out that policy debate was a lot more focused and realistic than last year’s presidential political discourse. How could a bunch of naive high schoolers—obsessed with winning through extreme and escalating arguments—somehow end up more grounded? The books being reviewed in this issue begin to point to an answer. In short, critical to the advancement of ideas is a discourse of specifics, not generalities. When a specific person advances a claim, one can refute that specific claim and contextualize it within other claims made by that same individual. The upshot is a far more productive democratic dialogue.

We can see this with virtually any book being reviewed in this issue. Erwin Chemerinsky and Howard Gillman’s Free Speech on Campus is notable because it takes seriously specific proposals to restrict campus speech, instead of just condemning a mushy “safe spaces” movement.6 The upshot is a much more nuanced description of the debate over speech on campus today and a solution that attempts to balance competing, serious concerns. Readers may disagree over where the line should be struck, but one comes away knowing that the authors took the specific animating concerns of both sides seriously.

Or, take another example of a tract being reviewed in this issue, the great Apology of Socrates by Plato.7 The Apology is Plato’s defense of Socrates. But the defense is not written as an attack on some broad, undifferentiated accusations against Socrates. Rather, it is specifically a rejoinder to attacks by Lycon, Anytus, and Meletus.8 The trio of accusers levy concrete charges against Socrates: he has corrupted the youth and preached impiety (ignoring the gods recognized by the Greek State and inventing new gods).9 The defense is a specific, point-by-point rebuttal of each: “[F]irst, I will reply to the older charges and to my first accusers, and then I will go on to the later ones.”10 A ten-page rebuttal follows:

I have said enough in my defence against the first class of my accusers; I turn to the second class who are headed by Meletus, that good and patriotic man, as he calls himself. And now I will try to defend myself against them: these new accusers must also have their affidavit read. What do they say? Something of this sort:—That Socrates is a doer of evil, and corrupter of the youth, and he does not believe in the gods of the state . . . . [L]et us examine the particular counts.11

In writing this way, Plato creates a real debate between warring camps. It is, I suspect, not surprising to anyone that such specificity enables a true clash of ideas. That is the genius of our adversarial system. But a subtler point follows: the dialectical tradition helps explain the unique niche that fiction can occupy in political debate as well.

At its best, fiction is a mechanism for us to understand paradigms fundamentally different from our own daily lives. This understanding sharpens dialogue and provides the concreteness necessary to imagine alternate worlds. Consider, for example, the one book of fiction being reviewed in this issue, Mohsin Hamid’s Exit West. 12 It is one thing to attack, as President Trump does, a Democratic Party belief in “open borders.”13 Such a claim set up Donald Trump’s inane counterproposals, such as the Wall and the Muslim Ban. An impoverished debate resulted, with the President attacking something that Democrats never believed. The upshot was predictable, silly policies.

Sometimes the only way to have a vibrant debate is through the lens of fiction. Some ideas are so radical that they are not susceptible to easy political debate—instead they need to be recast through the lens of a fictional world. Science fiction at its best does that.14 And, at times, even the opposite of science fiction—history—can be best illuminated through fiction. Just think about the brilliant Underground Railroad by Colson Whitehead15 three years ago. Whitehead brings the reader back to antebellum days, with gruesome depictions of the sexual slavery and absolute deprivations of rights that slaves endured. Reading about it in a history book, or even some sort of nonfiction analysis, can’t easily bring us into the minds of those who lived it every day. Absent contemporary written accounts (and there were few because so many slaves could not write and it was a crime to teach writing),16 it needs fiction.

That brings us to Exit West. Hamid imagines a world where magic doors appear and provide portals from one continent to another. He begins with a description of a couple, Saeed and Nadia, who meet in an unspecified city “swollen by refugees.”17 Ultimately a magic door appears that takes them to Greece. Later doors take them to London and Marin, California.18 Native Londoners are aghast with the influx of refugees. No wall can stop them—for the doors operate interstitially—permitting refugees to waltz into the UK from distant lands. Police are called, and they raid the houses that the refugees find themselves squatting inside. The refugees themselves start organizing politically to protect themselves and their rights.19 The nativists do not sit by silently either, resorting to physical attacks on the new refugees.20

Ultimately, the government cuts electricity with the aim of stopping the violence.21 As any student of architecture could have guessed,22 the plan backfires because lighting is essential to fighting crime. “[M]urders and rapes and assaults” take place, with nativists blaming the refugees and vice versa.23 And the characters in the book begin to appreciate that there is not one undifferentiated mass of “refugees” who speak with one voice and have one set of traditions—but rather a plethora of different approaches and people from different lands.

The different traditions are felt in Saeed and Nadia’s own lives—with Saeed increasingly embracing the culture of his former country and the beliefs of some of the radicalized refugees, including even at one point taking possession of a gun.24 Nadia, by contrast, becomes alienated from the tribal violence that pits refugees against nativists. “The fury of those nativists advocating wholesale slaughter was what struck Nadia most, and it struck her because it seemed so familiar, so much like the fury of the militants in her own city.”25 Yet Nadia pulls back from the thought, for “around her she saw all these people of all these different colors in all these different attires and she was relieved, better here than there.”26

Not every Londoner is upset by the emergence of the doors. Some realize that all of the insistence on borders has trapped them in lives that are unfulfilling. In one vignette, a British accountant tries to commit suicide as his means of escape from the London environment around him, only to realize a black door has opened up.27 He takes the door and arrives in Namibia. Later we learn that he has sent texts to his daughter telling her not to worry because he is on the beach and “felt something for a change.”28 Open borders turns out to be liberation for some Westerners, instead of the reverse.

Hamid’s work forces us to imagine a world of true open borders and who the winners and losers would be. The current political debate, by contrast, has no language for such a world, which is why it ultimately devolves into name-calling. But Hamid makes us reflect on what such a world—which may be inevitable as technology grows and globalization continues apace— would do. What is the moral case for closing our borders to those from distant lands who are suffering? Why should the accident of birth decide so much in our lives? Do we win when borders are closed? Or do we lose? And if open borders are ultimately inevitable, what does a society do to ease the transition to it?

CONCLUSION

2018 was a year of tremendous change in our political order. And as the remarkable collection of books being reviewed in this issue demonstrates, it was also a banner year for legal scholarship. Justin Driver has written a deeply important book about the ways in which the federal judiciary has largely abandoned constitutional protections in schools.29 Adam Winkler has penned a lengthy analysis of whether corporations truly are persons.30 And the list goes on.

Yet I’ve chosen to focus my few words here on a work, Exit West, that isn’t one of legal scholarship; indeed, it’s not even a work of nonfiction. To hard-nosed litigators, whose world I also inhabit, it is odd to think that a work of fiction can illuminate much about the law. But Exit West reminds us that the artifice of fiction can allow us to glimpse the possibility of other worlds—and that the messy facts of today sometimes will obscure our contemporary consciousness about the changes that, one day, will come.

### 2AC---Impact OV

#### The AFF outweighs---

#### U.S. hegemony undergirds the liberal international order and has provided the greatest era of peace --- any deviance risks violent transition wars and allied confidence demise that escalates hotspots in East Asia, the Middle East, and Europe.

#### Outweighs the K --- endlessly repeating that “heg causes violence” is NOT a *substitute for impact calculus* --- some violence matters more, and war is conceptually distinct!

Barkawi 12 (Tarak Barkawi, PhD in Political Science, Reader in the Department of International Relations, London School of Economics, “Of Camps and Critiques: A Reply to ‘Security, War, Violence’,” Millennium - Journal of International Studies September 2012 vol. 41 no. 1 124-130)

A final totalising move in ‘Security, War, Violence’ is the idea that the study of war should be subsumed under the category of ‘violence’. The reasons offered for this are: violence does not entail a hierarchy in which war is privileged; a focus on violence encourages us to see war in relational terms and makes visible other kinds of violence besides that of war; and that the analysis of violence somehow enables the disentangling of politics from war and a proper critique of liberal violence.22 I have no particular objection to the study of violence, and I certainly think there should be more of it in the social sciences. However, why and how this obviates or subsumes the study of war is obscure to me. Is war not historically significant enough to justify inquiry into it? War is a more specific category relative to violence in general, referring to reciprocal organised violence between political entities. I make no claims that the study of war should be privileged over that of other forms of violence. Both the violence of war, and that of, say, patriarchy, demand scholarly attention, but they are also distinct if related topics requiring different forms of theorisation and inquiry. As for relationality, the category of war is already inherently relational; one does not need the concept of violence in general to see this. What precisely distinguishes war from many other kinds of violence, such as genocide or massacre, is that war is a relational form of violence in which the other side shoots back. This is ultimately the source of war’s generative social powers, for it is amidst the clash of arms that the truths which define social and political orders are brought into question. A broader focus on violence in general risks losing this central, distinctive character of the violence of war. Is it really more theoretically or politically adequate to start referring to the Second World War as an instance of ‘violence’? Equally, while I am all for the analysis of liberal violence, another broad category which would include issues of ‘structural violence’, I also think we have far from exhausted the subject of liberalism and war, an important area of inquiry now dominated by the mostly self-serving nostrums of the liberal peace debates.

#### Competition policy---wide array of empirical evidence shows it leads to massive economic benefits --- Maximiano and Volpin

#### Their ethics are tautological --- competing rights claims collapse --- the only option is to maximize lives saved.

Greene 10 (Joshua Greene, Associate Professor of Social science in the Department of Psychology at Harvard University, “The Secret Joke of Kant’s Soul published in Moral Psychology: Historical and Contemporary Readings,” Historical and Contemporary Readings, [www.fed.cuhk.edu.hk/~lchang/material/Evolutionary/Developmental/Greene-KantSoul.pdf](http://www.fed.cuhk.edu.hk/~lchang/material/Evolutionary/Developmental/Greene-KantSoul.pdf))

What **turn-of-the-millennium science is telling us is that** human **moral judgment is not a** pristine **rational enterprise**, that our moral judgments are driven by a hodgepodge of emotional dispositions, which themselves were shaped by a hodgepodge of evolutionary forces, both biological and cultural. Because of this, it is exceedingly unlikely that there is any rationally coherent normative moral theory that can accommodate our moral intuitions. Moreover, anyone who claims to have such a theory, or even part of one, almost certainly doesn't. Instead, what that person probably has is a moral rationalization. It seems then, that we have somehow crossed the infamous "is"-"ought" divide. How did this happen? Didn't Hume (Hume, 1978) and Moore (Moore, 1966) warn us against trying to derive an "ought" from and "is?" How did we go from descriptive scientific theories concerning moral psychology to skepticism about a whole class of normative moral theories? The answer is that we did not, as Hume and Moore anticipated, attempt to derive an "ought" from and "is." That is, our method has been inductive rather than deductive. We have inferred on the basis of the available evidence that the phenomenon of rationalist deontological philosophy is best explained as a rationalization of evolved emotional intuition (Harman, 1977). Missing the Deontological Point I suspect that rationalist deontologists will remain unmoved by the arguments presented here. Instead, I suspect, they will insist that I have simply misunderstood what Kant and like-minded deontologists are all about. Deontology, they will say, isn't about this intuition or that intuition. It's not defined by its normative differences with consequentialism. Rather, deontology is about taking humanity seriously. Above all else, it's about respect for persons. It's about treating others as fellow rational creatures rather than as mere objects, about acting for reasons rational beings can share. And so on (Korsgaard, 1996a; Korsgaard, 1996b). This is, no doubt, how many deontologists see deontology. But this insider's view, as I've suggested, may be misleading. The problem, more specifically, is that it defines deontology in terms of values that are not distinctively deontological, though they may appear to be from the inside. Consider the following analogy with religion. When one asks a religious person to explain the essence of his religion, one often gets an answer like this: "It's about love, really. It's about looking out for other people, looking beyond oneself. It's about community, being part of something larger than oneself." This sort of answer accurately captures the phenomenology of many people's religion, but it's nevertheless inadequate for distinguishing religion from other things. This is because many, if not most, non-religious people aspire to love deeply, look out for other people, avoid self-absorption, have a sense of a community, and be connected to things larger than themselves. In other words, secular humanists and atheists can assent to most of what many religious people think religion is all about. From a secular humanist's point of view, in contrast, what's distinctive about religion is its commitment to the existence of supernatural entities as well as formal religious institutions and doctrines. And they're right. These things really do distinguish religious from non-religious practices, though they may appear to be secondary to many people operating from within a religious point of view. In the same way, I believe that most of the standard deontological/Kantian self-characterizatons fail to distinguish deontology from other approaches to ethics. (See also Kagan (Kagan, 1997, pp. 70-78.) on the difficulty of defining deontology.) It seems to me that consequentialists, as much as anyone else, have respect for persons, are against treating people as mere objects, wish to act for reasons that rational creatures can share, etc. A consequentialist respects other persons, and refrains from treating them as mere objects, by counting every person's well-being in the decision-making process. Likewise, a consequentialist attempts to act according to reasons that rational creatures can share by acting according to principles that give equal weight to everyone's interests, i.e. that are impartial. This is not to say that consequentialists and deontologists don't differ. They do. It's just that the real differences may not be what deontologists often take them to be. What, then, distinguishes deontology from other kinds of moral thought? A good strategy for answering this question is to start with concrete disagreements between deontologists and others (such as consequentialists) and then work backward in search of deeper principles. This is what I've attempted to do with the trolley and footbridge cases, and other instances in which deontologists and consequentialists disagree. If you ask a deontologically-minded person why it's wrong to push someone in front of speeding trolley in order to save five others, you will get characteristically deontological answers. Some will be tautological: "Because it's murder!" Others will be more sophisticated: "The ends don't justify the means." "You have to respect people's rights." But, as we know, these answers don't really explain anything, because if you give the same people (on different occasions) the trolley case or the loop case (See above), they'll make the opposite judgment, even though their initial explanation concerning the footbridge case applies equally well to one or both of these cases. Talk about rights, respect for persons, and reasons we can share are natural attempts to explain, in "cognitive" terms, what we feel when we find ourselves having emotionally driven intuitions that are odds with the cold calculus of consequentialism. Although these explanations are inevitably incomplete, there seems to be "something deeply right" about them because they give voice to powerful moral emotions. But, as with many religious people's accounts of what's essential to religion, **they don't** really **explain** what's distinctive about **the philosophy in question**.

### AT: Antitrust Inaccessible

#### The inaccessibility argument at the top of the 1NC is wrong -

#### The law has emancipatory potential despite its repressive history. Rejecting it dooms radical social change.

McCann and Lovell, 18—Gordon Hirabayashi Professor for the Advancement of Citizenship at the University of Washington AND professor of political science, department chair, and the Harry Bridges Endowed Chair in Labor Studies at the University of Washington (Michael and George, “Toward a Radical Politics of Rights: Lessons about Legal Leveraging and Its Limitations,” *From the Streets to the State: Changing the World by Taking Power*, Chapter 7, 139-141, dml)

In our aspirations for progressive change, engaging with the law is not a free choice among tactics. It is a necessity. Egalitarian activists are routinely forced into legal engagement by the omnipresence of law as a violent force imposing hierarchical order and harsh punitive constraints on oppressed populations. Although activists are often motivated by the quest for legal recognition of rights claims, offensively mobilizing law to support egalitarian struggles is only a small part of movement appeals to law. Defensive actions to evade law’s repressive force or to protect previous gains are often much more significant. In our view, there is surprisingly little rigorous theorizing about the different types of struggles on the terrain of law, the most useful indicators of effective legal action, and especially the measures of egalitarian or inclusionary change.1

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

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

In this chapter, we describe legal mobilization as the articulation of a social interest, general policy, or a societal vision in terms of legal entitlement. As Frances Kahn Zemans (1983) famously put it, legal mobilization entails that “a desire or want . . . is translated into a demand as an assertion of one’s rights” (3). Since legal language is indeterminate and polyvalent, it is contestable. Dominant legal norms are incomplete and rife with tensions, and they adapt as the perceived interests of dominant groups respond to, or occasionally converge with, the demands of oppressed groups (Bell 1980). Although much legal contestation occurs between recognized rights-bearing subjects over the authoritative meaning of clashing liberal legal principles, legal mobilization also involves oppressed groups mobilizing liberal principles against illiberal, repressive modes of social control. These contests over ascribed race, gender, sexual, immigrant, and other marginalized identities often expand the rule of liberal legalism (Smith 1997; Orren 1992). More importantly, struggles by progressive activists can use the liberal principle of equal citizenship to counter the property- and contract-based principles of capitalism, thereby challenging unequal resource distribution and class exploitation (Brown 2003; Smith 1997). As Stuart Scheingold (1974) argues, “law cuts both ways,” both for and against egalitarian social justice (91; see also McCann 1994).

When, how, and to what degree legal discourse and institutions provide resources for oppressed groups depends largely on the mix of legal and especially extralegal factors in a given historical context. Our research devotes considerable attention to the changing features of the cultural and institutional terrain that delimit the possibilities and forms of contestation within and against law. Of course, fighting for control of legal institutions and principles does not guarantee radical social change. But succumbing to anti-legalism cedes control over the terms of institutional organization, instrumental rule, and regime legitimation to dominant forces propelling capitalism and other hierarchies.

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

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

#### The 1AC uses debate to integrate pro-competition legal advocacy within a broader method of movement lawyering. That lends radical force to any struggle for change.

Cummings, 20—Robert Henigson Professor of Legal Ethics and Professor of Law, UCLA School of Law (Scott, “Movement Lawyering,” Indiana Journal of Global Legal Studies 27, no. 1 (2020): 87-130, dml)

In addition to broadening the scope of organizational relationships in which movement lawyers participate, integrated advocacy also reframes the work that movement lawyers do: moving from the narrow lens of technical legal skill (especially litigation) to the broader art of persuasion. Within this framework, advocacy is understood as the process of telling compelling stories to those in positions of decisionmaking power and the wider public.1 16 Such stories exert pressure and build support for political and cultural change. To do this, lawyers deploy different, but interrelated, modes of advocacy: litigation, policy advocacy, organizing support, media work, and community education. 7 Lawyers add value to movement campaigns by using their problem-solving skills to integrate these tactical modes, contributing to the construction of movement narratives that seek to shift understandings of the structural underpinnings of inequality and offer ways to address them.11 8

Two preliminary points are important. First, it is necessary to distinguish movement goals, strategies, and tactics. 1 9 Goals refer to ultimate movement objectives: for example, changing an unjust law, increasing access to services, enhancing conditions for workers within a particular industry, or changing cultural norms to promote diversity and inclusion. Strategies refer to overall plans for achieving a goal: conscious decisions made by movement actors in pursuit of an objective, encompassing a plan of action that generally targets particular decision makers, identifies resources and pressure points, and proceeds through sequential steps toward the predefined goal. 120 Although ideally deliberate and forward-looking, movement strategies in the real world are never neat or precise; instead, they are developed under conditions of deep uncertainty through a contest of competing views espoused by leaders with different organizational and normative perspectives. 12 1 Nonetheless, out of the welter of intra-movement exchange, strategies develop and adapt: sometimes through structured planning and other times through more informal processes of leadership give-and-take. In contrast, tactics are the discrete means that movement actors use to advance goals pursuant to strategies. A movement's tactical repertoire consists of activities such as public education and media relations, litigation and lobbying, and disruptive activities (for example, protests, marches, boycotts, and sit-ins). The crucial point is that, in the movement lawyering model, such tactics are deliberately coordinated by movement lawyers and other stakeholders, and executed according to an overarching strategy designed to maximize their combined power to advance the movement-defined goal. This leads to the second point, which notes that within movement campaigns, there are times when movement lawyers themselves directly implement a diverse range of tactics, while in other instances, lawyers coordinate different tactical approaches with nonlawyer allies.

This model of tactical integration has deep roots in the Civil Rights period and before. Contemporary examples of movement lawyering pick up on the theme of connecting litigation to base-building and organizing, but also move beyond that theme in ways that suggest a broader conception of how multi-faceted advocacy tactics might fit together and be mutually reinforcing in social movement campaigns. In contrast to earlier stories, new accounts of movement lawyering reveal a self-conscious, and often explicit, commitment to a social change methodology built upon sophisticated insights from social movement theory and practice. Through these accounts are contextualized analyses of legal advocacy embedded within broader social movement activism, they illuminate the interconnected use of tactics outside of court, as well as efforts to synchronize litigation with a comprehensive movement strategy. Overall, these stories underscore both the degree to which campaign objectives shape the range of tactics deployed and how, within a given campaign, movement lawyers attempt to deliberately think through tactical relationships in order to maximize their impact.

Recent examples of movement lawyering make a point of emphasizing the ways that lawyers mobilize law outside of courts, showing how nonlitigation modes of advocacy involve "real" lawyering that can prove valuable—and even decisive—in particular types of social movement campaigns. These stories do not present movement lawyers as operating outside of conventional legal roles, but rather portray their advocacy work as a movement-based application of the type of legal work that lawyers typically do for clients. From this perspective, nonlitigation advocacy is both affirmed as essential to specific campaigns and linked together in ways that reveal deliberate planning and execution.

The significance of nonlitigation tactics is perhaps most apparent in descriptions of social movement policy campaigns. Returning to the campaign to pass a Clean Truck Program at the ports of Los Angeles and Long Beach, a critical role played by the lawyers was shepherding that policy through the complex process of administrative review. Lawyers for both the environmental and labor coalition members each drafted legal opinions supporting the authority of cities to enact a law requiring trucking companies to hire employee drivers and purchase clean fuel trucks under the market participation exception to the federal preemption doctrine. 122 Those opinions were essential documents in policy negotiations with city officials: they provided legal credibility that gave officials confidence that if they spent political capital on passing the Clean Truck Program, there was a good chance it would be upheld in court. 123 The legal opinions were used as part of an overall campaign strategy in which environmental lawyers at the NRDC wielded the threat of litigation to bring city officials to the table, labor movement leaders used their political clout to push those officials to cut a deal, and grassroots coalition partners staged public actions (which included a 100-truck caravan to the port of Long Beach) and mobilized community members to make statements at critical public hearings. 124

In a related example, Jennifer Gordon describes a policy campaign by a coalition of labor and immigrant rights groups—led by the Workplace Project—to pass the 1997 New York Unpaid Wages Prohibition Act, which dramatically increased civil and criminal penalties against employers who failed to pay their workers minimum wage and overtime. 12 5 Gordon's account of the campaign stresses the strategic interrelation among the campaign's research, lobbying, and media tactics. First, the Workplace Project's legal clinic, which represented individual workers in wage enforcement cases in the state's labor agency, compiled research on the labor agency's drastic underenforcement of valid worker claims and mistreatment of workers attempting to file cases. This research became the basis for worker affidavits used in sympathetic news reports, filed in public hearings, and presented to the state labor agency and law makers. 126 Second, the coalition drafted legislative language to address the problem of underenforcement, crafted policy arguments framed around the key idea of preventing unfair competition by employers "who undercut legitimate businesses by paying less than minimum wage,"1 27 and effectively neutralized key Republican legislators hostile to the bill, garnering support from business allies unhappy about unfair competition and buoyed by the powerful voices of immigrant workers who led the lobbying sessions. Finally, the coalition developed a strong outreach and media strategy, stressing the scope of the problem and the support of the business community, which resulted in positive coverage including a lead editorial in the New York Times. 12 8 Together, these tactics helped to gain passage of one of the nation's strongest pro-labor bills, benefitting a largely immigrant workforce, by legislators known for their anti-labor and anti-immigrant politics. 129

Even in policy campaigns such as these, in which affirmative litigation is not a centerpiece, movement lawyers nonetheless must anticipate the grounds on which opponents might mount a legal challenge to movement action and seek to prospectively minimize the risk of damage to the movement's policy goals or public position. In this sense, affirmative movement organizing and policy advocacy always operates in the shadow of potential countermovement legal mobilization to limit or reverse movement gains—and thus requires concurrent defensive worst-case-scenario planning. 130 This was a key feature in the ports campaign for a Clean Truck Program, where policy development and drafting occurred in the shadow of the trucking industry's threat to challenge the policy on preemption grounds. The fact that the industry challenge succeeded in striking down the critical employee conversion piece of the Los Angeles program, 13 1 despite careful legal planning to avoid that precise outcome, underscores both how important prospective legal analysis is to movement policy campaigns and how uncertain predictions about judicial behavior ultimately are in the face of doctrinal ambiguity.

Defensive litigation may also be crucial in campaigns that rely on protest. In addition to defending protestors charged with breaking the law, movement lawyers may be called upon to provide additional forms of legal defense. In the anti-sweatshop campaign discussed above, defensive litigation became a central part of the campaign's culminating case: used to protect coalition members engaged in organizing against prominent Los Angeles-based garment retailer, Forever 21, accused of contracting with manufacturers that systematically violated the labor rights of cut-and-sew workers. 132 In that campaign, Forever 21's law firm brought suit against activists who staged coordinated boycotts against the retailer's stores, charging the activists with "defamation, interference with prospective business advantage, unfair business practices, and nuisance." 133 In response, movement lawyers from APALC enlisted the ACLU, along with private attorneys from a pro bono law firm and the NLG, to file an anti-SLAPP (Strategic Litigation Against Public Participation) suit, arguing that Forever 21 was violating the protestors' free speech-and ultimately forced the retailer to withdraw its action. 134

When affirmative litigation is a key feature of a social movement campaign, tactical integration focuses on how to link that litigation to different modes of advocacy: either surrounding the litigation with other tactics to strengthen its direct impact, designing the litigation to indirectly advance advocacy in other domains, or both. In so doing, movement lawyers seek both to affirm the significant power that litigation has to change institutional behavior and potentially influence public attitudes, while also responding to some of its limits.1 3 5 Movement lawyers thus remain committed to impact litigation, and believe in the value of building favorable precedent, but seek to do so in ways that are responsive to critiques of litigation and sensitive to underwriting broader mobilization efforts.

Within the integrated advocacy framework, movement lawyers recognize that there are times when claiming rights in court is essential to challenge structural injustice: litigation may produce concrete short-term benefits that improve movement constituents' material conditions, force tangible changes in institutional behavior, or directly expand the possibility of political participation. On the front end of movement campaigns, integrated advocacy seeks to strengthen the potential for litigation to achieve these positive outcomes; on the back end, it directs attention to issues of enforcement and implementation.

At the outset of litigation, movement lawyers plan for how to fold in other modes of advocacy—especially organizing and media relations 1 36—to exert coordinated pressure on litigation targets as part of a broader "mobilization template." 137 The anti-sweatshop campaign offers an important case in point. There, movement lawyers from APALC, in collaboration with their policy and organizing partners, designed an impact-litigation campaign to "extend the joint employer theory developed in the Thai worker case more broadly within the industry-setting a precedent that would force other manufacturers and retailers to take seriously their responsibility to ensure labor standards were met."1 38 The cases were carefully selected against high-profile targets engaged in egregious (but not atypical) practices to maximize their strategic effect. Impact cases were "coordinated with a media campaign: the filing of each suit [was] timed with a press conference and media contacts [were] used to pressure defendants to agree to worker demands."1 39 This strategy also used protest tactics, like the Forever 21 boycott, to place additional pressure on garment companies and succeeded in winning a string of high-profile settlements for garment workers against major fashion companies, including Forever 21, City Girl, BCBG, and XOXO.140

A similar strategy was used by advocates at NDLON and the Mexican American Legal Defense and Education Fund (MALDEF), who developed a blueprint for challenging antisolicitation laws banning day laborers-most of whom were recently arrived immigrant menl 4 1-from seeking work in public spaces like street corners. 142 By the early 2000s, roughly forty cities in the greater Los Angeles area had passed such laws. 143 To challenge them, NDLON organized day laborers at key hiring sites into committees, on whose behalf MALDEF filed lawsuits arguing that the laws violated day laborers' First Amendment right to seek employment.144 When the lawsuits were filed, NDLON and MALDEF would "stage a public event, marching from the day labor site to city hall." 14 5 This was done to jointly advance the legal strategy (by pressuring city officials to negotiate) and the organizing strategy (by promoting worker participation). In the words of the main MALDEF lawyer in the campaign: "Working together we could accomplish the legal policy goal and NDLON could organize groups around California." 146 Using this model, the campaign succeeded in winning a dramatic legal victory in the Ninth Circuit Court of Appeals invalidating most of the day labor antisolicitation laws around the region.1 47 In addition to coordinating the litigation, organizing, and media efforts in specific legal challenges, movement lawyers supported the campaign by playing a range of other roles: organizing students to pose as day laborers and getting local news media to film their arrest, coordinating favorable news editorials and other media coverage, negotiating with construction retailers to set up day labor sites, testifying at city council hearings against proposed ordinances, drafting legislation, and briefing public defenders charged with representing day laborers prosecuted under the antisolicitation laws on the larger campaign stakes. 148

At the back end of impact litigation campaigns, integrated advocacy seeks solutions to enforcement problems. In the anti-sweatshop campaign, the failure of garment workers to recover against employers even after winning judgments-owing in part to corporate shell games in which employers would claim to go out of business and reorganize in another guise-gave rise to more systematic enforcement efforts. 149 These included the creation of a new organization in 2007, Wage Justice, solely dedicated to using "innovative legal theories and legal tools borrowed from commercial collections law" to collect "back wages and penalties owed to low-income workers."15 0 Building on this effort, labor and immigrant rights groups formed the Los Angeles Coalition Against Wage Theft,' 5 1 which produced groundbreaking reports documenting the extent of wage theft in Los Angeles and around the country, 152 and helped lobby for the creation of enforcement divisions in the City and County of Los Angeles to prosecute and enforce wage theft in the region. 153

As these campaigns reveal, litigation may be designed by movement lawyers to reinforce other advocacy strategies that are either operating in parallel to the litigation or planned for the future. Litigation, in this sense, is used for its "indirect" or "radiating" effects on other types of movement work. 154 Rather than enervate movements by individualizing conflicts, integrated advocacy seeks to use rights strategically and flexibly to build collective power at the grassroots level. Michael Grinthal's analysis of movement lawyering shows how litigation may serve as a "scaffolding" for local mobilization, describing a campaign by Christian right groups in which litigation was coordinated with local organizing to advance their goal of using public school space for religious purposes. 5 5 A recent account of lawyers in the disability rights movement similarly spotlights how they have combined lower court litigation with local mobilization to produce wide-ranging settlements affecting large groups of disabled people, thus advancing the movement's goal of promoting social integration while avoiding the barriers erected by narrow Supreme Court rulings that restrict the reach of the Americans with Disabilities Act. 156

Other portraits of movement lawyering illustrate the design of litigation campaigns to influence the policymaking process. Commentators have emphasized the potential of litigation to force decision makers to the policy-making table by invalidating existing laws and imposing costs, 157 and some of the new movement lawyering stories demonstrate this dynamic. In the lunch truck campaign recounted above, for example, the criminal case was selected by the movement organization in order to undermine the existing municipal ordinance, freeing Asociaci6n members to "have sufficient time for other organizational objectives, such as promoting a positive image of catering vendors, building their core leadership, and working with local stakeholders to draft truck-friendly laws."15 8 Successful litigation also raises the public salience of issues, reveals significant enforcement gaps, creates models for possible statutory reform, and gives advocates credibility with lawmakers that can push long-stalled legislation forward. In the anti-sweatshop campaign, advocates had repeatedly failed, since the 1970s, to pass a statewide joint employer law holding garment companies liable for the labor violations of contractors. 159 Yet, in the wake of the prominent Thai worker litigation, advocates were able to capitalize on the opportunity created by increased public attention to the issue (and state government leadership more receptive to change) to help push through a comprehensive new state law establishing that any company "engaged in garment manufacturing. . shall guarantee payment of the applicable minimum wage and overtime compensation, as required by law, that are due" from its contractors. 16 0

Sometimes, the interaction between litigation and policy advocacy runs in the opposite direction with policy advocacy structured to positively influence litigation. In the California campaign for marriage equality described above, movement lawyers coordinated with the movement's policy advocacy group, Equality California, to draft the state's domestic partnership law in ways that were deliberately designed to strengthen the planned equal protection litigation challenge to the state's same-sex marriage ban. 16 1 As drafted, the domestic partnership bill granted same-sex couples the "same rights, protections, and benefits" as opposite-sex spouses and contained extensive legislative findings documenting discrimination against same-sex couples and affirming their role as good parents and caregivers.1 62 This language was consciously inserted to set up a later equal protection challenge by creating, "through the legislative process[,] a body of findings and policy on same-sex couples [showing] how they are equal in every way ... [in order to] set up suspect class arguments." 163 When a frontal challenge to the same-sex marriage ban in California was successfully litigated five years later, the California Supreme Court specifically referred to the fact that same-sex couples, through domestic partnership, were already accorded the full benefits of marriage to support its holding that their exclusion from marriage could only be based on illegal animus.1 64 That decision was ultimately nullified by statewide initiative, Proposition 8, but it marked a turning point in the marriage equality movement by drawing intense national attention and reinforcing similar coordinated efforts to pass marriage and domestic partnership laws in roughly two dozen states 1 65 -collectively setting the stage for the sweeping Supreme Court victory to come in Obergefell v. Hodges, which banned prohibition of same-sex marriage nationwide.1 66

The marriage campaign also draws attention to a final dimension of integrated advocacy: the use of litigation and policy development in connection with media strategies in efforts to shape positive public opinion. Scholars have suggested that judicial decisionmaking and policy development tend to follow changes in public opinion, citing the movement for same-sex marriage as a case in point; on this view, premature legal change at large variance with public opinon can produce backlash.1 6 7 As seen in the national marriage movement, however, movement advocates sought to use the pro-movement narratives developed through litigation and the legitimacy conferred by judicial and legislative acceptance of movement policy positions, to shape public opinion in pro-movement directions. This approach suggests that movement advocacy to change law, at least when carefully planned and orchestrated with a thoughtful public relations campaign, can help to win hearts and minds as well. 168

3. Institutional

As the discussion of the relation between legal change and attitudinal change already suggests, the concept of integrated advocacy rests on a complex understanding of how law operates within different types of political and social institutions. Borrowing Susan Strum's terms, integrated advocacy can be said to operate within a multi-level systems framework, in which actors are simultaneously situated in interconnected domains of power and normative pluralism, within which law is one tool for influencing values and behavior.1 69 In deploying integrated advocacy strategies, lawyers seek to connect change processes together within multiple domains of people's lived experiences: some within formal lawmaking institutions, like courts and legislatures, and some outside, on the streets through protest or in everyday interactions at home and work. As with organizational and tactical integration, the key point about these institutional efforts, from a movement lawyering perspective, is that they are deliberately planned and linked.

Institutional integration draws attention to what Richard Abel calls the "spatial configuration of power"-the idea that "polities allocate power across various levels of the state hierarchy from apex to base" and that within different spatial units, there are opportunities for law to be produced and used as a tool to constrain power.1 70 What this means for movement lawyers is that planning and executing strategic campaigns requires thinking through the relationship between distinct domains of law making (for example, courts and legislatures at different levels of government), how they are influenced by extra-legal sites of norm generation (particularly social movement challenges at the grassroots level), how legal change interacts with the public's preexisting views (potentially shaping pro-movement attitudes or causing backlash), and how legal rights are translated into legal consciousness among movement constituents (equipping them to mobilize law in their day-to-day encounters with power holders). These struggles to leverage law and norms from one institutional site, to influence decision making or behavior in another, occur across multiple spatial directions-bottom-up, sideways, and top-down-that are mapped out here.

Recent social movement legal scholarship has been most attuned to bottom-up norm generation, legal change, and culture-shifting projects. Scholars in this literature have focused on how social movement mobilization from below may succeed in transforming legal doctrine. In these accounts, legal change occurs after social movements at the grassroots level assert a new interpretation of a social norm, convince the public of the legitimacy of that new interpretation through sustained social struggle, and ultimately persuade courts to validate the interpretation as constitutional law. 171 Central examples of this bottomup dynamic include: Guinier and Torres's account of the Montgomery Bus Boycott, in which the Montgomery Improvement Association's courageous mobilization succeeded in breaking the city's segregated bus system and making new law in the form of a decisive Supreme Court ruling; 1 72 Reva Siegel's analysis of how the debate over women's rights, framed by the clash between Equal Rights Amendment (ERA) movement activists and their opponents, profoundly shaped sex discrimination doctrine; 173 and William Eskridge's comprehensive treatment of how identity-based social movements, asserting a politics of recognition, "generate constitutional facts" and spark normative contests that create new doctrinal ideas, which sometimes get adopted by the Supreme Court.1 74 Although generally optimistic about the power of movements to reshape law, this new social movement scholarship also contains stories of failure. In Chris Schmidt's account of the student sit-ins of the 1960s, it is the Supreme Court's ultimate reluctance to legitimate civil disobedience by extending the reach of the Fourteenth Amendment to private property owners that prevented the sit-ins from dislodging the linchpin state action requirement. 175 The role of movement lawyering in these campaigns is not the focal point of analysis. The stories do, however, offer practical lessons: drawing attention to the critical importance of movements naming injustice, framing normative solutions, and defending those solutions in the face of recrimination and reprisal. Movement lawyers can play crucial roles in these normative exchanges by protecting the free speech rights of movement actors, retelling and legitimizing their stories in courts and other lawmaking bodies, and gradually building precedent that helps influence public opinion and validate new legal principles over time.

In addition to bottom-up efforts to translate norms into law, there are sideways strategies to import norms and legal ideas from one institutional arena to produce change in another. Human rights scholars have identified "boomerang" patterns, in which domestic activists enlist international human rights norms external to their legal system as leverage to challenge abuses by domestic power holders. 176 Movement lawyering can involve similar efforts to leverage external sources of legal legitimacy to fortify movement campaigns. After 9/11, the Center for Constitutional Rights and the ACLU used human rights in multiple fora to contest the detention of so-called enemy combatants at Guantanamo Bay and in secret CIA "black sites."1 77 The organizations petitioned the Inter-American Commission to determine the legal status of detainees under international law, filed amicus briefs raising international claims in the major Supreme Court cases asserting detainees' right to habeas corpus and challenging military commissions, and filed appearances before United Nations bodies challenging the validity of secret renditions.1 7 8

Within the domestic political system, movement lawyers make similar shifts from one lawmaking institution to another to advance their positions: asking local jurisdictions to fix problems created by the federal system, courts to correct problems made by legislatures, and vice versa. This type of continuous jurisdictional maneuvering has defined the ports campaign in Los Angeles. There, the labor movement's effort to devise a local strategy to require port trucking companies to convert their drivers to employees was motivated at the outset by the failure of federal labor law to protect those workers. Local policy makers, in turn, were motivated to pass a Clean Truck Program to avoid further litigation by environmental groups. When industry opponents challenged the program in court, labor activists and lawyers went to Congress to try to amend the federal law that the Ninth Circuit had held preempted the Clean Truck Program-in an attempt to carve out a specific exception to permit employee conversion. 179 When that failed, lawyers associated with the movement represented truck drivers in the state labor commission and court to challenge trucking companies for misclassifying drivers as independent contractors, using that litigation to pressure companies to convert their drivers and accept unionization. 8 0 As that litigation met limited success, movement leaders returned to the city to consider other legal strategies for blocking port entry for independent-contractor firms. 18 1 The ports struggle still continues with concurrent institutional efforts moving forward: misclassification litigation in court, union organizing in the workplace, and rulemaking and legislative efforts at the port and local government level. 182

Finally, movement lawyering focuses on top-down efforts to bring legal rights from the legal system to the ground level where they can be understood and mobilized by affected individuals to access legal benefits, enforce legal protections, and perhaps galvanize further activism. In this role, movement lawyers seek to translate "law on the books" into "law in action," raising the legal consciousness of movement constituents so that they can fight for their own rights and help others to do the same. Jennifer Gordon's analysis of the Workplace Project offers a classic account of this type of movement lawyering work. In it, she recounts how the use of "rights talk" about employment protection in the center's legal clinics "became a springboard that launched a vision of justice that went far beyond the law's provisions," spurring low-wage immigrant workers to organize collectively against employer abuse and governmental inaction. 183 Other scholars have similarly shown how strategies to promote rights consciousness have helped in some contexts to enhance legal enforcement in the workplace, 1I spark grassroots organizing,18 5 and promote feelings of empowerment among movement constituents. 186

In practice, these types of legal, policy, and culture-shifting projects are dynamic and iterative: they play out over multiple cycles in complex ways that can never be fully predicted or mapped out. Integrated advocacy reframes these dynamics in affirmative terms: presenting them as empirical facts to be studied, understood, planned for, and (when things do not go as planned) revised. In contrast to the negative spiral story of legal liberalism (in which legal mobilization in court undercut political mobilization on the ground), integrated advocacy envisions a pathway for embedding change at one level that creates positive feedback loops in others: grassroots activism by movement constituents changes norms and practices, those changes shape policy reform, that reform further reinforces norm change so that the reform itself is implemented in daily life, and that implementation then strengthens the movement's base in ways that produce new changes in a widening circle of democratic transformation. 187 The key is that movement lawyers may intervene at different levels to build and fortify these cycles. Their work is affirmative, prospective, and ongoing. In this regard, movement lawyers do not simply rely on virtuous cycles to emerge nor, once started, do lawyers presume that the cycles will endure. To the contrary, they presume that any struggle for political or economic redistribution is going to provoke strong countermobilization that will persist over time, with opponents seeking out the most favorable institutional levels upon which to assert opposition. Thus, rather than viewing their goal as advancing policy change that constitutes a decisive victory, movement lawyers appreciate that integrated advocacy is a repeat-player process in which success must be defended and extended over time. In this sense, the opposition itself becomes integrated into the movement lawyer's frame of analysis.

#### That’s all a justification for the perm – our AFF is a pre-req to challenging broader structures of power -

#### it rejects ossified Chicagoan economics and allows antitrust to contest power and inequality—plaintiff burdens and the *Amex* decision are essential

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

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

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 lose 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.

#### We do think the AFF is good for you – all our impact framing arguments about China’s authoritarian rise and the threat of great power conflict prove that it’s a desirable course of policy action.

### 2AC – China

#### We’re right about Chinese motivations – internal documents, public statements, and field experts all confirm that Chinese leaders are LIKELY to expand aggressively absent a strong deterrent – Century of Humiliation and Xi’s desire for great power status

#### AFF contingently recognize the value of empiricism. That doesn’t require transcendental faith in progress or perfect knowing of the world – In fact, it actually provides the best means of countering that, whereas only the K lapses into claiming certainty.

Rasmussen 14 – Professor of Political Science at Syracuse University. His research focuses on the Enlightenment. He received a PhD from Duke in 2005.

Dennis C. Rasmussen, “Ch. 3: The Age of the Limits of Reason,” *The Pragmatic Enlightenment: Recovering the Liberalism of Hume, Smith, Montesquieu, and Voltaire*, Cambridge University Press 2014, pp. 135-139.

The very fact that most Enlightenment thinkers were committed empiricists, however, has given rise to an alternative form of the claim that they had an overconfidence in reason, namely, the allegation that they had a boundless, naive faith in the ability of science and the scientific method to penetrate the secrets of nature and to produce continual progress in all realms of human life.6 This version of the claim is more credible than the first, but it too is misleading in important respects. Like almost all Enlightenment thinkers, the four figures who are the focus of this book were confident that the scientific or experimental method is the most reliable way to attain useful knowledge – the best way to compensate for the limitations of the human mind. They did not, however, believe that modern science or its tools were infallible; on the contrary, they explicitly denied that it could provide conclusive or complete knowledge of the natural world. Likewise, these thinkers expected that science could and would do a great deal to promote human well-being, both by producing technological advances and by providing a kind of antidote to religious fanaticism. However, they did not believe that it could solve all problems or guarantee inevitable and endless progress. There was a strong dose of skepticism or realism in almost all of their thinking, and thus they accepted that certain ills will always be with us and that almost no improvements are pure and unmixed.

The connection that many Enlightenment thinkers drew between the spread of science and the undermining of religious fanaticism points toward a third form of the claim that they had a blind faith in reason: the widespread contention that the thinkers of this period were excessively dismissive of, or hostile toward, religion.7 Even the Enlightenment’s friends often acknowledge (or celebrate) this aspect of the period, as when Gay writes that “while the variations among the philosophes are far from negligible, they only orchestrate a single passion that bound the little flock together, the passion to cure the spiritual malady that is religion, the germ of ignorance, barbarity, hypocrisy, filth, and the basest self-hatred.”8 Perhaps more than any other critique of the Enlightenment covered in this book, this claim contains a good deal of truth with respect to Hume, Smith, Montesquieu, and Voltaire. These four thinkers all rejected the claims of revealed religion, they all believed that it is entirely possible for people to be moral without believing in God, and they all devoted great amounts of intellectual energy to condemning religious fanaticism and intolerance. On the other hand, it must be admitted that they had quite good reasons for criticizing the forms that religion often took in their time, such as the official state persecution of Protestants, the regime of ecclesiastical privilege and censorship, and the seemingly ceaseless confessional strife of eighteenth-century France, not to mention the catastrophic Wars of Religion of the previous century. Moreover, Voltaire, Montesquieu, Smith, and perhaps even Hume believed that a properly moderated or “liberalized” form of religion could not only avoid most of these ills but also provide certain positive benefits. Even Hume did not think that reason could conclusively disprove the claims of revealed religion, or that reason was all-powerful or sufficient unto itself. On the contrary, as with the other three thinkers, his skepticism regarding religion was simply a manifestation of his general skepticism regarding any claims of absolute certainty.

In all of these ways, the pragmatic Enlightenment was decidedly a limits-of-reason movement – hence my reversal of the traditional moniker of this period in the title of this chapter. Whereas the previous two chapters proceeded thinker by thinker, the present one is instead divided into three sections, each devoted to one of the three forms of the claim that the Enlightenment had a blind faith in reason just mentioned.9 The first section shows that Hume, Smith, Montesquieu, and Voltaire were skeptical empiricists rather than dogmatic rationalists; the second section argues that their embrace of natural science did not blind them to its theoretical and practical limits; and the final section explores their ambivalent, but basically moderate, attitudes toward religion.

#### No Chinese securitization impact.

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Securitization theory has rightly garnered much attention among European scholars of international relations. Its basic claims are powerful: that security threats are not given, but require active construction; that the boundaries of “security” are malleable; that the declaration that a certain problem lies within the realm of security is itself a productive political act; and that “security” issues hold a trump card, demanding disproportionate resources and silencing alternative perspectives. Securitization thus highlights a familiar, even ubiquitous, political process that had received little attention in the international relations or comparative foreign policy literatures. It gave scholars a theoretical language, if not quite a set of coherent theoretical tools, with which to make sense of how a diverse set of issues, from migration to narcotics flows to global climate change, sometimes came to be treated as matters of national and global security and thereby—and this is where securitization’s critical edge came to the fore—impeded reasoned political debate. No surprise that, as Jarrod and Eric observe, securitization has been the focus of so many articles in the EJIR—and even more in such journals as the Review of International Studies and Security Dialogue. But there are (good) substantive and (not so good) sociological reasons that securitization has failed to gain traction in North America. First, and most important, securitization describes a process but leaves us well short of (a) a fully specified causal theory that (b) takes proper account of the politics of rhetorical contestation. According to the foundational theorists of the Copenhagen School, actors, usually elites, transform the social order from one of normal, everyday politics into a Schmittian world of crisis by identifying a dire threat to the political community. They conceive of this “securitizing move” in linguistic terms, as a speech act. As Ole Waever (1995: 55) argues, “By saying it [security], something is done (as in betting, a promise, naming a ship). . . . [T]he word ‘security’ is the act . . .” [emphasis added]. Securitization is a powerful discursive process that constitutes social reality. Countless articles and books have traced this process, and its consequences, in particular policy domains. Securitization presents itself as a causal account. But its mechanisms remain obscure, as do the conditions under which it operates. Why is speaking security so powerful? How do mere words twist and transform the social order? Does the invocation of security prompt a visceral emotional response? Are speech acts persuasive, by using well-known tropes to convince audiences that they must seek protection? Or does securitization operate through the politics of rhetorical coercion, silencing potential opponents? In securitization accounts, speech acts often seem to be magical incantations that upend normal politics through pathways shrouded in mystery. Equally unclear is why some securitizing moves resonate, while others [are ignored] ~~fall on deaf ears~~. Certainly not all attempts to construct threats succeed, and this is true of both traditional military concerns as well as “new” security issues. Both neoconservatives and structural realists in the United States have long insisted that conflict with China is inevitable, yet China has over the last 25 years been more opportunity than threat in US political discourse—despite these vigorous and persistent securitizing moves. In very recent years, the balance has shifted, and the China threat has started to catch on: linguistic processes alone cannot account for this change. The US military has repeatedly declared that global climate change has profound implications for national security—but that has hardly cast aside climate change deniers, many of whom are ironically foreign policy hawks supposedly deferential to the uniformed military. Authoritative speakers have varied in the efficacy of their securitizing moves. While George W. Bush powerfully framed the events of 9/11 as a global war against American values, Franklin Delano Roosevelt, a more gifted orator, struggled to convince a skeptical public that Germany presented an imminent threat to the United States. After thirty years as an active research program, securitization theory has hardly begun to offer acceptable answers to these questions. Brief references to “facilitating conditions” won’t cut it. You don’t have to subscribe to a covering-law conception of theory to find these questions important or to find securitization’s answers unsatisfying. A large part of the problem, we believe, lies in securitization’s silence on the politics of security. Its foundations in speech act theory have yielded an oddly apolitical theoretical framework. In its seminal formulation, the Copenhagen school emphasized the internal linguistic rules that must be followed for a speech act to be recognized as competent. Yet as Thierry Balzacq argues, by treating securitization as a purely rule-driven process, the Copenhagen school ignores the politics of securitization, reducing “security to a conventional procedure such as marriage or betting in which the ‘felicity circumstances’ (conditions of success) must fully prevail for the act to go through” (2005:172). Absent from this picture are fierce rhetorical battles, where coalitions counter securitizing moves with their own appeals that strike more or less deeply at underlying narratives. Absent as well are the public intellectuals and media, who question and critique securitizing moves sometimes (and not others), sometimes to good effect (and sometimes with little impact). The audience itself—whether the mass public or a narrower elite stratum—is stripped of all agency. Speaking security, even when the performance is competent, does not sweep this politics away. Only by delving into this politics can we shed light on the mysteries of securitization. We see rhetorical politics as constituted less by singular “securitizing moves” than by “contentious conversation”—to use Charles Tilly’s phrase. To this end, we would urge securitization theorists, as we recently have elsewhere, to move towards a “pragmatic” model that rests on four analytical wagers: that actors are both strategic and social; that legitimation works by imparting meaning to political action; that legitimation is laced through with contestation; and that the power of language emerges through contentious dialogue. We are heartened that our ambivalence about securitization—the ways in which we find it by turns appealing and dissatisfying—and our vision for how to move forward have in the last decade been echoed by (mostly) European colleagues. These critics have laid out a research agenda that would, if taken up, produce more satisfying, and more deeply political, theoretical accounts. In our own work, both individual and collective, we have tried to advance that research agenda. So long as securitization theorists resist defining the theory’s scope and mechanisms, and so long as it remains wedded to apolitical underpinnings, we think it unlikely to gain a broad following on this side of the pond. Second, securitization has been held back by another way in which it is apolitical—this time thanks to its Schmittian commitments and political vision. Successful securitization, in seminal accounts, replaces normal patterns of politics with the world of the exception, in which contest has no place. They imagine security as the ultimate trump card. But, in reality, the divide is not nearly so stark. Security does not crowd out all other spending priorities—or states would spend on nothing but defense and “securitized” issues. Nor does simply declaring something a matter of national security guarantee its funding—or global climate change counter-measures, including research on renewable energies, would be well-funded. Nor are security issues somehow aloof from politics: politics has never truly stopped “at the water’s edge.” Securitization considers only the politics of security. Its strangely dichotomous optic cannot see or make sense of the politics within security. In ignoring the politics within security, securitization is of course in good company. Realists of all stripes have paid little attention to domestic political contest, except as a distraction from structural imperatives. But while realism is unquestionably a powerful first-cut, this inattention to the politics within security is also among the reasons so many have found it wanting. As Arnold Wolfers long ago observed, some degree of insecurity is the normal state of affairs. But “some may find the danger to which they are exposed entirely normal and in line with their modest security expectations while others consider it unbearable to live with these same dangers.” And states, he further argues, do not actually maximize security—almost ever. “Even when there has been no question that armaments would mean more security, the cost in taxes, the reduction in social benefits, or the sheer discomfort involved have militated effectively against further effort” (1962:151, 153). A securitization perspective renders all this politics within security inexplicable. And yet, as Wolfers saw half a century ago, it is crucial.

#### Meta-analysis of foreign policy experts proves.

Mwombela 14 – Associate Planner at Grid 202 Partners, former researcher at National Defense University

James Mwombela, Extensively quotes various prominent foreign policy experts, Published in the *Small Wars Journal* while Mwombela was at UNC-Chapel Hill, completed & published with aid of research completed at the NDU, U.S. Military Engagement Abroad: A Brief Case Analysis, 2014, <https://smallwarsjournal.com/jrnl/art/us-military-engagement-abroad-a-brief-case-analysis>

In 2010, tensions between China and Japan peaked after a Chinese fishing boat, reportedly in an attempt to avoid inspection, collided with two Japanese Coast Guard vessels near the islands and Japan decided to detain the boat’s captain. Two years later on September 11, 2012, the Japanese government bought three of the five main islands which comprise the Senkaku/Diaoyu island group in a 2.05 billion yen ($26.1 million) deal with private businessman Kunjoki Kurihara, effectively nationalizing the islands. Anti-Japan demonstrations erupted in China, and in early October 2012, chief of the IMF Christine Lagarde warned that the protests had a potential to negatively influence the global economy. This conflict has become complicated by power transition; in the 1970s and 80s, Japan boasted an economy that was unrivaled in East Asia and a stronger military than China. Japan has since found itself in the midst of an economic and military decline while a rising China has surpassed it in both categories. China is taking advantage of its increasingly favorable relative power position in the region by attempting to change the status quo in regards to the Senkaku/Diaoyu islands, and Japan has noticed and attempted to protect itself from China’s bullying. As China’s naval power and presence in the East and South China Seas has grown, both Japanese and American military observers have expressed an opinion that China’s military expansion is geared towards their territorial claims. Japan’s 2012 defense white paper reported that the Chinese Air Force has deployed aircraft close to Japan’s airspace in the East China Sea, and it also stated “It is believed that [China’s] naval vessels operated near the drilling facilities of the Kashi oil and gas fields in September 2005, partly because China tried to demonstrate [its] naval capabilities of acquiring, maintaining, and protecting its maritime rights and interests.” That same document expressed concern that China has not displayed the level of transparency expected of a responsible major power in its key military operations and procurement. China has shown no signs of easing its aggressive tactics, and concern over China’s military strategy has motivated Japan to beef up its security and surveillance in these contested areas, causing many to fear that this dispute could escalate to armed conflict (Smith, Paul J).

Obligated Defender

In the early 1970s, Japanese leaders discovered that article 5 of the U.S.-Japan defense treaty, which states that the United States is bound to protect “the territories under the Administration of Japan,” can be applied to the Senkaku/Diaoyu islands, and Washington has continued to confirm this since then (Smith, Paul J). Consequently, if China and Japan found themselves in an armed conflict over the islands, the U.S. would be obliged to join on Japan’s side. This would intensify already existing Chinese-U.S. tensions which have their own potential for escalation.

China seems to be pushing the envelope as far as possible short of outright military force, because, from China’s perspective, it would be against their interests to fight a war with a U.S.-backed Japan. The U.S. military is still the strongest in the world, and Beijing would much prefer to continue to inch closer to the U.S. economically and militarily than fight a war with grim prospects over some islands. China has demonstrated this by attempting to drive a wedge between the U.S. and Japan. The increase in Chinese ships near the Senkaku/Diaoyou islands was perceived by some to be an attempt to undermine Article 5 of the U.S.-Japan security agreement by demonstrating that it has some administrative control over the territory. In response, Hillary Clinton announced in early 2013 that the U.S. would not tolerate attempts to undermine Japanese administrative rights to the islands (Manyin). China then declared the islands a “core interest,” a move perceived by many as an attempt to persuade the U.S. and Japan to back down. According to Su Xiaohui, strategic studies research fellow for the China Institute of International Peace, China uses the term “core interest” sparingly to communicate that “it is not negotiable and China will defend it with all our might.” However, Xiaohui also pointed out the need for Beijing to exercise caution: “It is not only a problem between China and Japan. It is related to the US position, the South China Sea issue, etc. If we failed in dealing with the problem appropriately, the spillover effect would be disastrous” (Minnick).

Keeping the Peace

U.S. forces pulling out of Asia would eliminate a key deterrent preventing China from using military force to pursue its territorial claims, causing Tokyo to have greater concern over the safety of its territorial claims. Allen Carlson’s article, Keeping the Peace at Sea: Why the Dragon Doesn’t Want War argues that China’s goals of facilitating stability in the regional and global economy and quelling domestic nationalist sentiment alone will prevent China from initiating armed conflict, but this argument does not address the fact that U.S. presence eases the security dilemma in the region (Carlson). Although one may think that U.S. support would cause Japan to deal with China more aggressively, Japan’s responses to China’s aggressive tactics have been focused on defending the territories it administers. Japan’s restrained response to China’s latest aggressive behavior, the establishment of a new air defense zone covering the islands, demonstrates a commitment to “not initiating the escalation of tensions on our side” (Hayashi). However, without U.S. support, Japan would have an increased incentive to act aggressively in order to protect the Senkaku/Diaoyou islands and undermine China’s influence in the region before relative power positions shift even more in China’s favor. Chinese leaders would also have difficulty credibly committing to an agreement with Japan in the island dispute, because there is no sign that China’s power growth will slow down any time soon.

A U.S. exit from Asia would leave the safety of Japan’s territorial claims to the mercy of China’s superior military, igniting an arms race that could spread throughout the region. Washington welcomed Japanese officials last July to view confidential nuclear facilities in a gesture of assurance of U.S. nuclear posture and that Japan is protected from nuclear attack by the threat of U.S. retaliation (Makino). Without U.S. support, Japan would feel compelled to beef up its military security/surveillance methods even more than it already has and probably procure nuclear weapons. Other Asian nations such as the Philippines and South Korea would probably respond by pursuing nuclear weapons of their own as a defense measure against Chinese and North Korean aggression. As the authors of Lean Forward: In Defense of American Engagement pointed out, Taiwan and South Korea tried to acquire nuclear weapons during the Cold War and probably would have if not for U.S. security ties (Brooks). The rapid escalation of arms races would increase the chances of armed conflict breaking out between China and Japan due to miscalculation. It would also likely present what political scientists call a state of equivalent retaliation, a situation in which both sides believe that it is imperative to respond to any and all perceived slights, because it would be difficult to judge whether the other state’s accumulation and movement of warships and aircraft near disputed territories is intended to defend or attack (Carlson). The spread of nuclear arms throughout the region would raise the chances of disaster occurring through accidents or the seizure of nuclear weapons by terrorists or other dangerous third party groups.

Although U.S. commitment to defend the Senkaku/Diayou islands on behalf of Japan introduces the possibility of the U.S. being pulled into an armed conflict with China, it decreases the chances of such conflict actually breaking out. China crossing the line would present U.S. leaders with a situation in which failure to provide adequate aid to Japan would undermine U.S. ability to credibly commit to agreements with any of its allies. However, an armed conflict initiated by Japan would provide the U.S. with an incentive to provide only minimal support as punishment and an example to deter other allies from aggressive behavior, and other countries would be more likely to consider this action morally justified, leaving the United States’s reputation intact. U.S. and Japanese officials have also discussed “worst-case” contingency plans if China moves to capture the islands, plans which would lose effectiveness if Japan went on the offensive (“U.S., Japan). These factors provide Japan with confidence that the U.S. will provide adequate support in the case of a Chinese-initiated conflict while simultaneously discouraging Japan from acting aggressively. China, on the other hand, cannot afford to risk sparking an almost certainly disastrous war in the midst of its power ascendance with a U.S. backed Japan over some islands. The proportional increases in U.S.-Japanese joint defense and surveillance exercises in response to Chinese aggression and the international political costs which the U.S. would incur if it defaulted on its treaty obligation have allowed the U.S. to credibly commit to defend Japan and deter China from using military force to pursue its territorial claims (Smith, A. Sheila; "The Senkaku). If the U.S. were to leave Japan on its own, the expanding relative power gap between China and Japan would create difficulty for China in credibly committing to an agreement with Japan and incentivize Japan to act aggressively before China becomes an even greater threat to their territorial claims. Furthermore, this decision would probably initiate an arms race and increases in security and surveillance surrounding the islands which would increase the chances of armed conflict breaking out due to miscalculation or the difficulty in differentiating between intent to attack and intent to defend. Therefore, at least in the case of East Asia, the argument echoed in Brooks, Ikenberry, and Wohlforth’s paper provides a better foreign policy strategy for promoting peace and global economic stability than Posen’s recommendation.

#### AND, their Harney evidence is wrong – IR isn’t structured by logistics – that’s too totalizing and ignores proximate causes of conflict.

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(Andrew J., *The New American Militarism: How Americans Are Seduced by War*, pg. 205-212)

There is, wrote H. L. Mencken, “always a well-known solution to every human problem—neat, plausible, and wrong.”1 Mencken’s aphorism applies in spades to the subject of this account. To imagine that there exists a simple antidote **to the “military metaphysic**” to which the people and government of the United States have fallen prey is to misconstrue the problem. As the foregoing chapters make plain, the origins of America’s present-day infatuation with military power are **anything but simple**. American militarism is not the invention of a cabal nursing fantasies of global empire and manipulating an unsuspecting people frightened by the events of 9/11. Further, it is counterproductive to think in these terms— to assign culpability to a particular president or administration and to imagine that throwing the bums out will put things right. Yet neither does the present-day status of the United States as sole superpower reveal an essential truth, whether positive or negative, about the American project. Enthusiasts (mostly on the right) who interpret America’s possession of unrivaled and unprecedented armed might as proof that the United States enjoys the mandate of heaven are deluded. But so too are those (mostly on the left) who see in the far-flung doings of today’s U.S. military establishment substantiation of Major General Smedley Butler’s old chestnut that “war is just a racket” **and the American soldier “a gangster for capitalism”** sent abroad to do the bidding of Big Business or Big Oil.2 **Neither the will of God nor the venality of Wall Street suffices to explain how the United States managed to become stuck in World War IV.** Rather, the new American militarism is a little like pollution—the perhaps unintended, but foreseeable by-product of prior choices and decisions made without taking fully into account the full range of costs likely to be incurred.

In making the industrial revolution, the captains of American enterprise did not consciously set out to foul the environment, but as they harnessed the waters, crisscrossed the nation with rails, and built their mills and refineries, negative consequences ensued. Lakes and rivers became choked with refuse, the soil contaminated, and the air in American cities filthy.

By the time that the industrial age approached its zenith in the middle of the twentieth century, most Americans had come to take this for granted; a degraded environment seemed the price you had to pay in exchange for material abundance and by extension for freedom and opportunity. Americans might not like pollution, but there seemed to be no choice except to put up with it.

To appreciate that this was, in fact, not the case, Americans needed a different consciousness. This is where the environmental movement, beginning more or less in the 1960s, made its essential contribution. Environmentalists enabled Americans to see the natural world and their relationship to that world in a different light. They argued that the obvious deterioration in the environment was unacceptable and not at all inevitable. Alternatives did exist. Different policies and practices could stanch and even reverse the damage.

Purists in that movement insisted upon the primacy of environmental needs, everywhere and in all cases. Theirs was (and is) a principled position deserving to be heard. To act on their recommendations, however, would likely mean shutting down the economy, an impractical and politically infeasible course of action.

Pragmatists advanced a different argument. They suggested that it was possible to negotiate a compromise between economic needs and environmental imperatives. This compromise might oblige Americans to curtail certain bad habits, but it did not require changing the fundamentals of how they lived their lives. Americans could keep their cars and continue their love affair with consumption; but at the same time they could also have cleaner air and cleaner water. Implementing this compromise has produced an outcome that environmental radicals (and on the other side, believers in laissez-faire capitalism) today find unsatisfactory. In practice, it turns out, once begun negotiations never end. Bargaining is continuous, contentious, and deeply politicized. Participants in the process seldom come away with everything they want. Settling for half a loaf when you covet the whole is inevitably frustrating. But the results are self-evident. Environmental conditions in the United States today are palpably better than they were a half century ago. Pollution has not been vanquished, but it has become more manageable. Furthermore, the nation has achieved those improvements without imposing on citizens undue burdens and without preventing its entrepreneurs from innovating, creating, and turning a profit.

Restoring a semblance of balance and good sense to the way that Americans think about military power will require a similarly pragmatic approach. Undoing all of the negative effects that result from having been seduced by war may **lie beyond reach**, but Americans can at least make them more manageable and thereby salvage their democracy. In explaining the origins of the new American militarism, this account has not sought to assign or to impute blame. None of the protagonists in this story sat down after Vietnam and consciously plotted to propagate perverse attitudes toward military power any more than Andrew Carnegie or John D. Rockefeller plotted to despoil the nineteenth-century American landscape. The clamor after Vietnam to rebuild the American arsenal and to restore American self-confidence, the celebration of soldierly values, the search for ways to make force more usable: all of these came about because groups of Americans thought that they glimpsed in the realm of military affairs the solution to vexing problems. The soldiers who sought to rehabilitate their profession, the intellectuals who feared that America might share the fate of Weimar, the strategists wrestling with the implications of nuclear weapons, the conservative Christians appalled by the apparent collapse of traditional morality: none of these acted out of motives that were inherently dishonorable. To the extent that we may find fault with the results of their efforts, that fault is more appropriately attributable to **human fallibility than to malicious intent**. And yet **in the end it is** not motive that matters but outcome. Several decades after Vietnam, in the aftermath of a century filled to overflowing with evidence pointing to the limited utility of armed force and the dangers inherent in relying excessively on military power, the American people have persuaded themselves that their best prospect for safety and salvation lies with the sword. Told that despite all of their past martial exertions, treasure expended, and lives sacrificed, the world they inhabit is today more dangerous than ever and that they must redouble those exertions, they dutifully assent. Much as dumping raw sewage into American lakes and streams was once deemed unremarkable, so today “global power projection”—a phrase whose sharp edges we have worn down through casual use, but which implies military activism without apparent limit—has become standard practice, a normal condition, one to which no plausible alternatives seem to exist. All of this Americans have come to take for granted: it’s who we are and what we do.

Such a definition of normalcy cries out for a close and critical reexamination. Surely, the surprises, disappointments, painful losses, and woeful, even shameful failures of the Iraq War make clear the need to rethink the fundamentals of U.S. military policy. Yet a meaningful reexamination will require first a change of consciousness, seeing war and America’s relationship to war in a fundamentally different way.

Of course, **dissenting views already exist.** A rich tradition of American pacifism abhors the resort to violence as always and in every case wrong. Advocates of disarmament argue that by their very existence weapons are an incitement to violence. In the former camp, there can never be a justification for war. In the latter camp, **the shortest road to peace begins with the beating of swords into ploughshares**. These are principled views that deserve a hearing, more so today than ever. By discomfiting the majority, advocates of such views serve the common good. But to make full-fledged pacifism or comprehensive disarmament the basis for policy in an intrinsically disordered world would be to open the United States to grave danger.

### AT: Academics Bad

#### Random people are far worse

#### Applies to them

### AT: Markets

#### Their market link – to the extent that it’s a critique of the market economics of tech platforms, we’ll impact turn – Only markets allocate resources, distribute fair outcomes, and generate innovation.

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

Markets as Miracles

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

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

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

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

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

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

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

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

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

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

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

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

Markets as Parallel Processors

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

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

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

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

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

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

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

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

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

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

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

#### BUT, to the extent that it’s about computational logic in society AND debate, no link – We can defend limited deployments of market logic without defending the entire system.

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

(Joseph V., “Economizing the Totalitarian Temptation: A Risk-Averse Liberal Realism for Political Economy and Competition Policy in a Post-Neoliberal Society,” 59 Santa Clara L. Rev. 703)

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

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

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

#### We also turn their warrant - Quality of life---Globalization is immensely beneficial and widely supported globally.

Horner et al. 18 (Rory, Global Development Institute, University of Manchester, Manchester, UK, “Globalisation, uneven development and the North–South ‘big switch’,” Cambridge Journal of Regions, Economy and Society 2018, 11, 17–33 doi:10.1093/cjres/rsx026)

Citizen surveys further reveal dramatic changes in attitudes to globalisation across and within the global North and South. While such surveys have methodological limitations,1 the results indicate distinctive trends that support the thesis of the ‘big switch’. Among people in the global South, polls have consistently found quite positive attitudes towards globalisation. In 2007, the Times of India claimed that ‘Indians believe globalisation benefits their country’, citing a poll by the Chicago Council on Global Affairs and World Public Opinion that 54% of Indians answered ‘good’ compared to 30% ‘bad’ to the question of whether increasing economic connections ‘with others around the world is mostly good or bad’. More recently, Stokes (2016) reported on Pew Research Surveys from 2016 which found that 60% of Chinese think their country’s involvement in the global economy is good (compared to 23% who think it is bad), while 52% of Indians surveyed thought it was good compared to 25% who said it was a problem. A recent YouGov survey of 20,000 people across 19 countries found a majority believed that globalisation has been a force for good. That survey found the most enthusiasm for globalisation in East and South-East Asia, where over 70% in all countries believed it has been a force for good. The highest approval, 91%, was in Vietnam, a relative latecomer to globalisation (Smith, 2017).

By contrast, public support for globalisation in the global North has plummeted. Bhagwati (2004) cited an Environics International Survey presented at the 2002 World Economic Forum Meetings to argue that disillusionment with globalisation was not universal; ‘anti-globalisation sentiments are more prevalent in the rich countries of the North, while pluralities of policy makers and the public in the poor countries of the South see globalisation instead as a positive force’ (2004, 8). Although Bhagwati suggested this was an ‘ironic reversal’, it proved to be in line with a 2007 BBC World Service poll that found 57% of people in G7 countries thought the pace of globalisation was too rapid, whereas the majority of those in ~~developing~~ countries surveyed thought it was just right or too slow (e.g. IMF, 2008; Pieterse, 2012). A 2007 Pew Global Poll similarly found a decline in the percentage of people in many Northern countries who believed trade had a positive impact. In its analysis of the survey results, Kohut and Wilke (2008, 6–7) commented that ‘it is in economically stagnant Western countries that we see the most trepidation about globalisation’. Almost 10 years later, The Economist (2016) reported on a YouGov survey of 19 countries, which found that fewer than half of people in the USA, UK and France believed that globalisation is a ‘force for good’ in the world. This broad change in attitude toward globalisation is playing out in national electoral politics as well as gatherings such as the World Economic Forum and the meeting of the Asia-Pacific Economic Cooperation.

The ‘big switch’ and the geography of uneven development

The ‘big switch’ seemingly confounds the predictions of the most vocal proponents and critics of globalisation alike. Uneven development is dynamic and relates to differences both within and among countries (Sheppard, 2016). Naïve claims that the world is flat or that economic globalisation is ‘win-win’ have rightly been dismissed (Baldwin, 2016; Christopherson et al., 2008; Turok et al., 2017), yet it is also insufficient to suggest that globalisation simply leads to a reproduction of existing inequalities, overlooking how that unevenness may be changing as a result of new macroeconomic geographies (Peck, 2016). While trade theory could predict that there would be ‘losers’ in the global North from international economic integration, proponents of economic globalisation have asserted that they would be few in number and could be compensated. More recently, it appears that a large group of people feel more forsaken than compensated. Similarly, for those who embraced Marxian political economy, and warned of its negative consequences in the South, the apparent optimism and support for globalisation in the South may have been unexpected. The sceptical internationalists (e.g. Evans, 2008; Kaplinsky, 2001; Stiglitz, 2006) should be acknowledged, however, for forecasting downsides in the global North. As we outline below, many people in the global North have experienced relative stagnation, whereas, albeit from a very low starting point and amidst considerable inequality, many people (but not all) have experienced improved development outcomes in the global South. We then explore what this apparent ‘big switch’ may tell us about contemporary economic globalisation.

The new geography of global uneven development

Significant portions of the population in the USA and other countries in the global North have experienced limited, if any, income gains in an era of globalisation. Milanovic’s (2016) ‘elephant graph’ (Figure 1) has quickly become a popular way to demonstrate the relative stagnation experienced in North America and Europe in recent decades. Exploring changes in real incomes between 1988 and 2008, he showed that those who particularly lost out on any relative gain in income were the global upper middle class (those between the 75th and 90th percentiles on the global income distribution) and the poorest 5% of the world population. Of these least successful percentiles, 86% of the population were from mature economies in the global North (Lakner and Milanovic, 2016, 23). Considering these contrasts more widely, a growing body of evidence shows that the global North’s dominance in the global economy is receding, with the share of high-income countries in global GDP having fallen from 76.8% in 2000 to 65.2% in 2015 (see Figure 1).

A different picture emerges in the global South. In Figure 1, it was Asians who comprised 90% of the population in the percentiles which did best in terms of relative income gains from 1988 to 2008 (Lakner and Milanovic, 2016, 223). The UNDP has remarked that

A striking feature of the world scene in recent years is the transformation of many ~~developing~~ countries into dynamic economies…doing well in economic growth and trade … they are collectively bolstering world economic growth, lifting other ~~developing~~ economies, reducing poverty and increasing wealth on a grand scale. (UNDP, 2013, 43)

The share of global GDP of low and middle income countries increased from 22.5% in 2000 to 34.1% in 2015 (Figure 2). Much of this increase is accounted for by China, as well as India and Brazil. Their share of global GDP, only 4.6% in 1960, 6.6% in 1990 and 9.3% in 2000, had almost doubled in the 21st century to 18% by 2015.

The development context of the global South has changed significantly since the turn of the Millennium, across a variety of important indicators. The total number of people in the world living on less than $1.90 per day (i.e. extreme poverty) has more than halved from 1.69 billion in 1999 to 766 million in 2013. At least by official estimates, the share of the population in the global South who are living in extreme poverty has fallen considerably this century. Whereas the percentage of the population in the global South with a daily consumption level of less than $1.90 was 33.4% in 1999, it was just 13.4% in 2013.2 The percentage of the world’s countries classified by the World Bank as low-income, albeit a very low threshold, more than halved within the first 15 years of the 21st century. Moreover, the total number of countries which are highly dependent on aid (having a net ODA > 9% of GNI) has fallen considerably, from 42 in 2000 to 29 in 2015, or from 34.1% to 23.2% of all low and middle-income countries with data available over that period.3

Considered overall, in comparison with the 1990s, the global South, in aggregate, now earns a much larger share of world GDP, has more middle-income countries, more middleclass people, less aid dependency, considerably greater life expectancy and lower child and maternal mortality. Table 1 provides some summary indicators for high-income countries (HICs) and low and middle-income countries (L&MICs), as somewhat imperfect approximations for global North and South.

After two hundred years of a ‘divergence, big time’ (Pritchett, 1997) between developed and ~~developing~~ countries following the Industrial Revolution, recent measurements suggest a change in the pattern of global inequality across a number of indicators (Horner and Hulme, 2017). The Global GINI of income distribution across all individuals in the world has fallen from 69.7 in 1988 to 66.8 in 2008 and 62.5 in 2013 (World Bank, 2016, 81). Analysis presented in the World Bank’s Taking on Inequality (2016) suggests that, in 1998, 26% of global income inequality was related to differences within countries, with the remaining 74% relating to differences among countries. By 2013, these shares were 35 and 65%. Two hundred years of a great divergence between global North and South now seems to have had some reversal, although more than half of an individual’s income can be accounted for by the country where he/she lives or was born (Milanovic, 2013). Inter-country inequality, rather than intra-country inequality, is still dominant, but it accounts for a diminished share of income-based and other inequalities (World Bank, 2016).s

### AT: Beller

#### Their Beller card –

#### 1 – Was answered above.

#### 2 – It’s a critique of drones – it says that drones are autonomous weapons with no human emotions.

### AT: Impact Runs

#### Frame for their impacts – the ALT has to solve them

#### No impact---diversity impacts are wrong, redundancy overcomes most threats and intervening actors prevent the rest.

Peter **Kareiva &** Valerie **Carranza 18**. Institute of the Environment and Sustainability, University of California, Los Angeles. 01/2018. “Existential Risk Due to Ecosystem Collapse: Nature Strikes Back.” Futures. CrossRef, doi:10.1016/j.futures.2018.01.001.

The interesting question is whether any of the planetary thresholds other than CO2 could also portend existential risks. Here the answer is not clear. One boundary often mentioned as a concern for the fate of global civilization is biodiversity (Ehrlich & Ehrlich, 2012), with the proposed safety threshold being a loss of greater than .001% per year (Rockström et al., 2009). There is little evidence that this particular .001% annual loss is a threshold—and it is hard to imagine any data that would allow one to identify where the threshold was (Brook et al., 2013; Lenton & Williams, 2013). A better question is whether one can imagine any scenario by which the loss of too many species leads to the collapse of societies and environmental disasters, even though one cannot know the absolute number of extinctions that would be required to create this dystopia. While there are data that relate local reductions in species richness to altered ecosystem function, these results do not point to substantial existential risks. The data are small-scale experiments in which plant productivity, or nutrient retention is reduced as species number declines locally (Vellend, 2017), or are local observations of increased variability in fisheries yield when stock diversity is lost (Schindler et al., 2010). Those are not existential risks. To make the link even more tenuous, there is little evidence that biodiversity is even declining at local scales (Vellend et al 2017; Vellend et al., 2013). Total planetary biodiversity may be in decline, but local and regional biodiversity is often staying the same because species from elsewhere replace local losses, albeit homogenizing the world in the process. Although the majority of conservation scientists are likely to flinch at this conclusion, there is growing skepticism regarding the strength of evidence linking trends in biodiversity loss to an existential risk for humans (Maier, 2012; Vellend, 2014). Obviously if all biodiversity disappeared civilization would end—but no one is forecasting the loss of all species. It seems plausible that the loss of 90% of the world’s species could also be apocalyptic, but not one is predicting that degree of biodiversity loss either. Tragic, but plausible is the possibility our planet suffering a loss of as many as half of its species. If global biodiversity were halved, but at the same time locally the number of species stayed relatively stable, what would be the mechanism for an end-of-civilization or even end of human prosperity scenario? Extinctions and biodiversity loss are ethical and spiritual losses, but perhaps not an existential risk. What about the remaining eight planetary boundaries? Stratospheric ozone depletion is one—but thanks to the Montreal Protocol ozone depletion is being reversed (Hand, 2016). Disruptions of the nitrogen cycle and of the phosphorous cycle have also been proposed as representing potential planetary boundaries (one boundary for nitrogen and one boundary for phosphorous). There are compelling data linking excesses in these nutrients to environmental damage. For example, over-application of fertilizer in Midwestern USA has led to dead zones in the Gulf of Mexico. Similarly, excessive nitrogen has polluted groundwater in California to such an extent that it is unsuitable for drinking and some rural communities are forced to drink bottled water. However, these impacts are local. At the same time that there is too much N loading in the US, there is a need for more N in Africa as a way of increasing agricultural yields (Mueller et al., 2012). While the disruption of nitrogen and phosphorous cycles clearly perturb local ecosystems, end-of-the-world scenarios seem a bit far-fetched. Another hypothesized planetary boundary entails the conversion of natural habitats to agricultural land. The mechanism by which too much agricultural land could cause a crisis is unclear—unless it is because land conversion causes so much biodiversity loss that is species extinctions that are the proximate cause of an eco-catastrophe. Excessive chemical pollution and excessive atmospheric aerosol loading have each been suggested as planetary boundaries as well. In the case of these pollution boundaries, there are well-documented mechanisms by which surpassing some concentration of a pollutant inflicts severe human health hazards. There is abundant evidence linking chemical and aerosol pollution to higher mortality and lower reproductive success in humans, which in turn could cause a major die-off. It is perhaps appropriate then that when Hollywood envisions an unlivable world, it often invokes a story of humans poisoning themselves. That said, it is doubtful that we will poison ourselves towards extinction. Data show that as nations develop and increase their wealth, they tend to clean up their air and water and reduce environmental pollution (Flörke et al., 2013; Hao & Wang, 2005). In addition, as economies become more circular (see Mathews & Tan, 2016), environmental damage due to waste products is likely to decline. The key point is that the pollutants associated with the planetary boundaries are so widely recognized, and the consequences of local toxic events are so immediate, that it is reasonable to expect national governments to act before we suffer a planetary ecocatastrophe.

#### Market-based mechanisms are key to sustainability – we can solve environmental harm by pricing in negative externalities, but the alt is worse

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Mark Budolfson, “Arguments for Well-Regulated Capitalism, and Implications for Global Ethics, Food, Environment, Climate Change, and Beyond,” *Ethics and International Affairs*, vol. 35, no. 1, 2021, pp. 89-92, https://www.cambridge.org/core/services/aop-cambridge-core/content/view/96F422D04E171EECDEF77312266AE9DD/S0892679421000083a.pdf/arguments-for-well-regulated-capitalism-and-implications-for-global-ethics-food-environment-climate-change-and-beyond.pdf.

Applications to Food, Environment, and Climate Change

Let us turn to a concrete example. It is often claimed that we need less capitalism, less growth, and less globalization if we are to successfully address such challenges as climate change, population growth, air and water pollution, feeding the world, ensuring sustainable development for the world’s poorest people, and other interrelated challenges at the environmental nexus.22

However, if the argument for well-regulated capitalism is sound, then these claims are wrong. Just because the aforementioned challenges may require pervasive changes throughout the economy does not mean that they require large changes to the basic structure of the economy such as a move away from capitalism.

Climate change—like many large-scale environmental harms—is the perfect example to illustrate why large environmental challenges that require pervasive changes to the economy need not require large changes to the economy’s basic structure. The key point is that in that an unregulated marketplace polluters do not pay the true cost to society of their pollution, which incentivizes too much pollution; the best solution for society in the case of climate change and many other large environmental challenges is simply to use markets to regulate the relevant pollution by putting an appropriate price on emissions (reflecting the cost to society), so that people and firms have to pay the true cost of their emissions. This could be accomplished by putting a simple tax on emissions, or by instituting a more complicated market-based system.23

In more detail, the problem of climate change arises because humans do not have to pay the cost of the harms from greenhouse gas (GHG) emissions when they engage in emitting activities. As a result of not having to pay the true cost of these activities, we make decisions that lead to too many emissions, and a worse outcome than we could achieve if we behaved differently, which would require pervasive changes throughout the economy. But according to mainstream economics, the best solution to this problem is a textbook example of well-regulated capitalism that applies the theory of externalities to achieve pervasive changes across the economy at the least cost to society: We should tax24 GHG emissions at a rate equal to the harm they inflict if emitted, because this will (to a first approximation) create the right incentives to cause all of the pervasive changes throughout every aspect of the economy in the way that best achieves the optimal level of GHG emissions for society.25 And because one ton of GHG emissions does the same harm regardless of where it is emitted on the earth, there is just a single price that we should use as a tax on all emissions regardless of where they occur.

Many economists, including Nobel laureate William Nordhaus, argue that pricing the externality in this simple way is not only necessary to solving climate change but also essentially sufficient.26 Other economists argue that investments in public goods like basic knowledge and infrastructure might also be necessary, as well as measures to address equity and justice (such as investing the revenues from a carbon tax in a progressive way, having different carbon prices in different regions that collectively lead to the same globally optimal reductions that could be achieved with a single uniform global price, or even putting additional weight on co-benefits from air pollution reductions via climate policy in places where minorities have historically been unjustly saddled with disproportionately high exposure to pollutants). These additional measures would be taken on the grounds that climate policy will be enacted in a “nonideal”/“second-best” context in which background distortions, inequity, and injustice make them necessary to achieve the best outcome.27 But these measures are all part and parcel to well-regulated capitalism.

Furthermore, getting rid of capitalism would involve harm to the world’s poorest and most vulnerable people that could exceed the harm that is at stake for the world in connection with climate change and other environmental harms. Evidence for this claim is provided by taking the quantitative magnitude of health, wellbeing, and justice gains due to capitalism, according to the argument for premise 1 above, projecting trends into the future, and comparing these gains to the quantitative magnitude of health, wellbeing, and justice losses at issue in connection with climate change and other environmental harms, as provided by leading estimates.28 Again, according to the argument for well-regulated capitalism, the essence of our situation is that humanity is better off with our current flawed forms of capitalism than we would be without capitalism; however, we are not as well off as we could be if we properly regulated the externalities that are causing environmental harms, so there is no argument in favor of the status quo. Instead, we should properly regulate externalities, and thus move toward well-regulated capitalism, which would yield the optimal trade-off for humanity between the benefits of capitalism and the costs of pollution and other ills.

Viewed through the lens of the argument for well-regulated capitalism, other environmental challenges have a similar structure, such as food-systems challenges (including feeding the world without destroying the environment), air and water pollution, ensuring sustainable development for the world’s poorest, and other interrelated challenges at the environmental nexus. These problems are more complicated than climate change because they each involve multiple externalities and multiple background distortions, where the magnitude of those is sometimes highly location dependent, and issues of equity and justice are exceedingly complex. But the basic mechanisms for the best solutions are the same according to proponents of the argument for well-regulated capitalism, and indeed the best responses all require capitalism in order to work well and avoid a cure that is worse than the disease.

As a point of optimism in connection with these often-discouraging challenges, the relationship between the wealth of a society and environmental degradation often has an inverted U shape: As society initially gets wealthier, environmental degradation increases, until a point of peak degradation, after which the environment improves as society becomes rich enough to invest more and more in environmental quality rather than in basic needs. In the richest nations of the world, the peak of degradation arguably happened in the mid- to late twentieth century, and can be seen in measures of, for example, air and water pollution.29 In some emerging economies like China, there is hope that the peak has been reached and environmental degradation will now decline as society becomes richer and richer. For other developing nations, the peak has not been reached yet. Moreover, different forms of degradation (such as industrial air pollution and agricultural water pollution) might peak at different points within a nation. Putting this together, there is reason to hope that environmental challenges will reach a peak in our lifetime, and if we can meet them with well-regulated capitalism, they will begin to progressively improve over time in line with the end of extreme poverty for the entire world. Capitalism has brought these problems to a head because it has caused the world to get richer so quickly. But according to the argument for well-regulated capitalism, this is a good problem to have, as it is a symptom of a global society that is on the cusp of growing its way out of poverty and out of widespread environmental degradation. According to this argument, we should want to grow our way out of both of these problems as quickly as possible, rather than keep both problems around indefinitely by moving away from capitalism.30

#### Capitalism is financially sustainable.

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Why the U.S. Is Unlikely to be Headed Towards a Structural Regime Break

Though the path from the crisis we’re in now to either depression or debt crisis is not impossible, it’s not easy or natural, if we examine each of the four paths in regards to the current situation:

Policy Error — The policy challenge of coronavirus is enormous, but what is on display is the opposite of the inaction of the Great Depression. On the monetary side, the first signs of stress in the banking system — in the repo and commercial paper markets — were met with timely and sizable monetary policy action. On the fiscal side, it didn’t take long — certainly by Washington standards — to pass the $2 trillion CARES Act to provide funds to counteract the wave of liquidity and capital problems for the real economy (households and firms). Beyond any specific policy action, we are seeing a mindset in which policy makers will keep throwing policy innovations at the problem until something sticks — quite the opposite of the 1930s.

Political Willingness — It certainly is possible that political calculus gets in the way of averting a structural breakdown, but not very plausible because the political costs are high. To be sure there are two risks involved: 1) The unwillingness to craft a piece of legislation, perhaps because of differences in analysis, beliefs, or dogma; and 2) the failure to pass legislation because one side sees greater political gain in obstruction. While the TARP fiasco reminds us that both risks are real and shouldn’t be dismissed, crises tend to lubricate deal making, and the costs of political obstruction are particularly high, even in a hyper-partisan election year.

Policy Dependence — This path is not applicable in the U.S. because of monetary sovereignty. The Federal Reserve will always facilitate fiscal policy in a time of low and stable inflation and a healthy currency.

Policy Rejection — A debt crisis seems improbable for the U.S.: Inflation expectations are very well anchored (and, if anything, too low). The rate-risk correlation is very solid, where in risk-off periods (moment when investors are less tolerant of risk and prices of risk assets like stocks fall) bond prices rally (yields fall). The USD reserve currency status is deeply entrenched as the rest of the world needs to hold U.S. safe assets (and don’t wish to see their currencies appreciate). And nominal interest rates are generally lower than nominal growth (r – g < 0). All of these factors make for favorable financing conditions. Can coronavirus damage all that and deliver a crisis where markets refuse to purchase U.S. debt? It’s possible, but very implausible, and it would be a long and painful process. A break in the inflation regime plays out over several years.

#### Neolib isn’t the root cause of militarism

Dr. Bryan **Mabee 11**. Senior Lecturer in the School of Politics and International Relations at Queen Mary, University of London, BA, MA (Manitoba), PhD (Aberystwyth), “LIBERAL MILITARISM IN INTERNATIONAL RELATIONS: REVISITING THE US ‘NATIONAL SECURITY STATE’”, p. 11-13.

Explaining Militarism in International Relations Militarism – conceptualised broadly as preparations for and ideology of war – is often seen as endemic to the international system. Political realists have long expressed a ‘tragic’ account of international politics that sees state-based preparation for war as a consequence of the competitive nature of international relations (e.g. Mearsheimer, 2001; Waltz, 1988; c.f. Leffler, 1992). Historical sociologists such as Michael Mann (1993) have also insisted on the importance of this logic, while stressing the different institutional manifestations of militarism (and other sources of social power) over time. However, even with the structural imperative of geopolitical competition as a base, it still does not help explain variations in state militarism either across time or for individual states: i.e. the specific forms of war preparation that individual states pursue, and how these reflect a particular historical logic. Indeed the explanation that is necessary for the national security state is not why a state such as the US might prepare for war, but why it prepares in a particular fashion. Another prominent explanation for the development of increased militarism in the postwar American state has been through the theory of the ‘military industrial complex’ (MIC) (Roland, 2007; c.f. Koistinen, 1980; Rosen, 1973; Sarkesian, 1972). The theory itself exists in a variety of forms, from the original focus on the undue pressures of defence lobbyists in the case of President Eisenhower’s original warning (Eisenhower, 1961); through concerns about the excessive influence of elites focused on security and war (Lasswell, 1941; Mills, 1956); to a Marxian focus on the economic productivity of defence firms (Coulomb and Bellais, 2008; Mackenzie, 1983). Though the overall postulation of burgeoning ‘military establishment’ (Yarmolinksy, 1971) with ties to business has been highly accurate in describing an institutional form, there are issues with causation that make the account problematic for understanding the national security state. The MIC theory mainly suffers from the opposite problem of the international-structural perspective: that it is based entirely on an internal economic logic, where the dynamics of international relations play no part (Buzan and Herring, 1998). All states are militarized in various degrees through war preparations, which are not easily explained just by domestic political economy (Mackenzie, 1983). The avoidance of the international dimension of militarization results in a limited account of militarism, even as applied directly to the US state. The MIC also does little to explain the peculiarities of the American system; as Koistinen (1980) has noted, the MIC should really just be part of a broader political economy of American warfare, not just explaining the postwar period. Or, as E. P. Thomson more polemically stated, modern societies ‘do not have military industrial complexes – they are military-industrial complexes’ (quoted in Shaw, 1988: 41). The key problem with these accounts of militarism is that they are both too general in terms of causation (i.e. the structural accounts relying too much on the permissive nature of the international system; the domestic MIC argument relying too much on the capriciousness of the arms industry) while also being reductionist. While it is clear that both the character of international relations and geopolitics are crucial for understanding military competition between states (and hence state militarism), the internal political economy of militarism is crucial for understanding specific manifestations of militarisms. As Smith (1983: 24) argues, ‘Militarism cannot be explained in terms of the objectives of the state alone because these are constrained by the nature of the environment in which the state operates. In particular the nature of the prevailing class relations, the nature of each conflict, and the nature of the instrument itself, military force, all influence the process. Each of these has dynamics of their own which in interaction lead to the development of the various distinct aspects of militarism’.

### AT: Alt

#### The alternative---

#### a---Voting negative cannot remedy the issues they’ve isolated in the 1NC. A negative ballot cannot resolve structural issues which they’ve presented with debate OR the world.

#### b---AND, none of this is a reason to vote negative---it’s not a reason the 1AC isn’t a good idea---we don’t force our model onto anyone---all of that was above---it’s all one big link of omission.

#### c---Their model produces a feel-good feedback loop that crowds out the lower-profile work that can actually resolve problems at the level of the debate community and beyond.

Hamilton 17 – assistant professor of law at American University, Washington College of Law

Rebecca, 12/21. “No, naming and shaming sexual offenders doesn’t always help.” https://www.washingtonpost.com/outlook/no-naming-and-shaming-sexual-offenders-doesnt-always-help/2017/12/21/4210486c-e5bb-11e7-ab50-621fe0588340\_story.html

I study large-scale advocacy movements. I've led them, observed them, written about them. Each is a product of its time and place, so making generalizations is tricky. But one common thread is that they replicate the dynamics of the societies where they arise. So it should surprise no one that the people spearheading this moment of cultural scrutiny are the people who have the privilege of voice in our society more generally.

Social media campaigns such as #MeToo tend to view "raising awareness" as an end in itself, rather than a means to an end. In this case, the spread of the hashtag has been valuable — it has expanded participation beyond those victimized by people whom the news media has an interest in reporting on. It has revealed the true scale of the problem and demonstrated that it is not confined to high-profile sectors such as entertainment, journalism and politics.

But campaigns like this often lose steam before achieving anything concrete. And even those that avoid this trap can run into another problem: They use the power they amass through raising awareness primarily to push for visible solutions that can be swiftly implemented — such as the recent firings of famous men. These immediate steps create a feel-good feedback loop.

There is nothing necessarily wrong with some quick victories to boost the morale of all involved. But such responses have their limits: They are superficial fixes. Over time, they crowd out lower-profile work that could ultimately create the structural changes needed to really resolve the problem.

My fear is that the immense power of #MeToo is about to be squandered. We risk congratulating ourselves for a slew of high-profile dismissals that address particular harms suffered by a privileged subset of victims, without ever grappling with the harms occurring across the board.

For many observers, the past few months have been gratifying; previously unimaginable actions have been taken in the name of women. That has not been my experience. For weeks, the night I was raped, my reporting of it, and the power inequities, indignities and degradations of the situation have run on a mental replay loop I've had no control over. I've felt pressure to participate in the act of public unveiling — this man, at this time, with these details. A moment of mass empowerment for women has been overwhelmingly disempowering for me.

What I have needed is the time to untangle my feelings and carefully question what I could lose or gain at this moment. I've concluded that, having spent the past decade trying to reach a vaguely livable status quo, I'm unwilling to upend it all for vengeance alone. Others may have decided differently. But if empowerment means anything, it must entail the ability of individuals to make their own choices based on their own circumstances as they see them. For me, speaking in this limited way still frees me from the dead weight of silence and allows me to contribute to what is finally a serious conversation about sexual assault and harassment.

If the power of #MeToo has been to reveal the pervasiveness of work-related sexual assault and harassment, then meaningful change demands solutions that tackle the depth and breadth of these problems. This means acknowledging the inherent conflict of interest that arises when human resources departments are tasked with addressing allegations against their own companies' employees — while remembering that many working people have no human resources department to report to. It means challenging the gaping disparity in access to legal services in this country, while recognizing that not all harms are best addressed through the legal system. It means getting more women into leadership roles, but not assuming that women are always better at dealing with the abuse and harassment of their staffers than men are.

As #MeToo becomes a movement, we need to be meticulous about distinguishing criminal and noncriminal behavior, without minimizing the chilling effect that even noncriminal behavior can have. We need to listen to the many women (and men) whose stories do not involve newsworthy perpetrators, and not demand that the signature "name and shame" action of this moment be the price of entry into the conversation about how to deal with all of this.

We also need to overcome the failure of imagination that prevents us from seeing that we may have colleagues who treat us well yet treat others badly, and that people can do admirable — even heroic — work while behaving in ways that violate the very values they purport to stand for. It is natural to want to believe that the people our society holds up as "good" would not engage in sexual assault or harassment, or protect those who do. But, as the philanthropy of the likes of Weinstein and Bill Cosby demonstrates, that is not always true. And believing that it is only strengthens those perpetrators who already have social capital to protect themselves.

Most of all, we need to avoid deluding ourselves that behaviors our society has normalized over decades will be banished over the course of a few painful months. Social change is always an iterative process. The backlash against the current moment is inevitable. The challenge will be to push past the backlash and keep working, even as the nation's attention turns to the next crisis. The downfall of predatory men with household names is worth celebrating. But it is not nearly enough.

#### d---To the extent that it aligns with movements, that fails –

#### Markets are societally ingrained

Levi **Bryant 12**, Professor of Philosophy at Collin College, “We’ll Never Do Better Than a Politician: Climate Change and Purity,” <https://larvalsubjects.wordpress.com/2012/05/11/well-never-do-better-than-a-politician-climate-change-and-purity/>

It is quite true that it is the system of global capitalism or the market that has created our climate problems (though, as Jared Diamond shows in Collapse, other systems of production have also produced devastating climate problems). In its insistence on profit and expansion in each economic quarter, markets as currently structured provide no brakes for environmental destructive actions. The system is itself pathological. However, pointing this out and deriding market based solutions **doesn’t get us very far**. In fact, such a response to proposed market-based solutions is **downright dangerous** and **irresponsible**. The fact of the matter is that 1) we currently live in a market based world, 2) there is not, in the foreseeable future an alternative system on the horizon, and 3), above all, **we need to do something now**. We **can’t afford to reject interventions** simply because they **don’t meet our ideal conceptions** of how things should be. We have to **work with the world that is here**, not the one that we would like to be here. And here it’s crucial to note that pointing this out **does not entail** that we shouldn’t work for producing that other world. It just means that we have to grapple with the world that is **actually there before us**. It pains me to write this post because I remember, with great bitterness, the diatribes hardcore Obama supporters leveled against legitimate leftist criticisms on the grounds that these critics were completely unrealistic idealists who, in their demand for “purity”, were asking for “ponies and unicorns”. This rejoinder always seemed to ignore that words have power and that Obama, through his profound power of rhetoric, had, at least the power to shift public debates and frames, opening a path to making new forms of policy and new priorities possible. The tragedy was that he didn’t use that power, though he has gotten better. I do not wish to denounce others and dismiss their claims on these sorts of grounds. As a Marxist anarchists, I do believe that we should fight for the creation of an alternative hominid ecology or social world. I think that the call to commit and fight, to put alternatives on the table, has been one of the most powerful contributions of thinkers like Zizek and Badiou. If we don’t commit and fight for alternatives those alternatives will never appear in the world. Nonetheless, we still have to grapple with the world we find ourselves in. And it is here, in my encounters with some Militant Marxists, that I sometimes find it difficult to avoid the conclusion that they are **unintentionally aiding** and **abetting** the **very things they claim to be fighting**. In their **refusal to become impure**, to **work with situations** or **assemblages** as we find them, to **sully their hands**, they end up **reproducing the very system** they wish to **topple** and **change**. Narcissistically they get to sit there, smug in their superiority and purity, while **everything continues as it did before** because they’ve **refused to become politicians** or engage in the **difficult concrete work** of assembling human and nonhuman actors to **render another world possible**. As a consequence, they occupy the position of Hegel’s beautiful soul that denounces the horrors of the world, celebrate the beauty of their soul, while depending on those horrors of the world to sustain their own position. To engage in politics is to engage in networks or ecologies of relations between humans and nonhumans. To engage in ecologies is to descend into networks of causal relations and feedback loops that you cannot completely master and that will modify your own commitments and actions. But there’s **no other way**, there’s no way around this, and we **do need to act now**.

# 1ar

### 1AR – Value to Life

#### Always value in preserving life

Torbjörn **Tännsjö 11**. The Kristian Claëson Professor of Practical Philosophy at Stockholm University. 2011. “Shalt Thou Sometimes Murder? On the Ethics of Killing.” https://www.philosophy.su.se/polopoly\_fs/1.126012.1361890813!/menu/standard/file/thoushalt-inprogress.doc

I suppose it is correct to say that, if Schopenhauer is right, if life is never worth living, then according to utilitarianism we should all commit suicide and put an end to humanity. But this does not mean that, each of us should commit suicide. I commented on this in chapter two when I presented the idea that utilitarianism should be applied, not only to individual actions, but to collective actions as well.¶ It is a well-known fact that people rarely commit suicide. Some even claim that no one who is mentally sound commits suicide. Could that be taken as evidence for the claim that people live lives worth living? That would be rash. Many people are not utilitarians. They may avoid suicide because they believe that it is morally wrong to kill oneself. It is also a possibility that, even if people lead lives not worth living, they believe they do. And even if some may believe that their lives, up to now, have not been worth living, their future lives will be better. They may be mistaken about this. They may hold false expectations about the future.¶ From the point of view of evolutionary biology, it is natural to assume that people should rarely commit suicide. If we set old age to one side, it has poor survival value (of one’s genes) to kill oneself. So it should be expected that it is difficult for ordinary people to kill themselves. But then theories about cognitive dissonance, known from psychology, should warn us that we may come to believe that we live better lives than we do.¶ My strong belief is that most of us live lives worth living. However, I do believe that our lives are close to the point where they stop being worth living. But then it is at least not very far-fetched to think that they may be worth not living, after all. My assessment may be too optimistic.¶ Let us just for the sake of the argument assume that our lives are not worth living, and let us accept that, if this is so, we should all kill ourselves. As I noted above, this does not answer the question what we should do, each one of us. My conjecture is that we should not commit suicide. The explanation is simple. If I kill myself, many people will suffer. Here is a rough explanation of how this will happen: ¶ ... suicide “survivors” confront a complex array of feelings. Various forms of guilt are quite common, such as that arising from (a) the belief that one contributed to the suicidal person's anguish, or (b) the failure to recognize that anguish, or (c) the inability to prevent the suicidal act itself. Suicide also leads to rage, loneliness, and awareness of vulnerability in those left behind. Indeed, the sense that suicide is an essentially selfish act dominates many popular perceptions of suicide. ¶ The fact that all our lives lack meaning, if they do, does not mean that others will follow my example. They will go on with their lives and their false expectations — at least for a while devastated because of my suicide. But then I have an obligation, for their sake, to go on with my life. It is highly likely that, by committing suicide, I create more suffering (in their lives) than I avoid (in my life).

### 1AR – Movements Fail

#### Movements fail – cant reverse neoliberalisation, create political change or trans-nationalize

Petar Kurecic 16, Assistant Professor of Economics at University North, Croatia, 12/26/2016, “Social movements as (in)effective way of struggle against neoliberal geopolitics (i.e. essentially detrimental ideology aimed at destruction of the welfare state)?”, https://www.academia.edu/32030532/Social\_Movements\_and\_Neoliberal\_Geopolitics

Recognition of neoliberalism’s geographies of poverty, inequality, and violence as intertwined across a multiplicity of sites impels us to view its geographies of protest, resistance, and contestation in the same light (Springer, 2011: 553). Because the changes associated with neoliberal policies often had negative distributional impacts on the working class, the poor, the small-business sector, and the environment, diverse forms of resistance and contestation have emerged (Kurecic, 2016: 35)¶ Anyhow, if we have the TNC on one side, then it should probably be most effective to fight its goals and actions with means of social action that transcends national borders – transnational social movements . In other words, transnational demos should be able to fight “the Cabal”.¶ What actually are social movements? Nilsen (2015: 4-5) points out that social movements can be seen as “being simultaneously constituted by and constitutive of praxis, and thus as being situated at the very heart of the making and unmaking of the structures and processes that underpin both social order and social change. Social movements should be understood according to the way how they play a role in shaping and reshaping the current form of given institutional fields and political economies, and taking seriously the basic intention that animates social movements, that is, the intention of moving, of becoming more than what they currently are.”¶ Although neoliberalism’s power to “press upon” stems from its institutional arrangement and hegemonic discourses backed by the United States’ military might (Harvey 2003; Peet 2007), the presence of power that “presses upon” does not negate the possibility of subaltern counter-politics. In fact, the presence of power that presses upon also gives rise to productive power, or the power to resist and transform (Foucault, 1979). The power of those adversely affected by neoliberalism is dependent on their alliances, relations, networks and counterhegemonic discourses (Waquar, 2012: 1063).¶ Social movements typically grow from “cramped spaces”, situations that are constricted by the impossibilities of the existing world with a way out barely imaginable. But precisely because they are cramped, these spaces act as incubators or greenhouses for creativity and innovation (The Free Association, 2007).¶ Social movements of the present day world are definitely thriving because of the two main processes. The first process is the neo-liberally inspired internationalization (which the ideologists of globalization refer to as “globalization”) that increases social inequality in both rich and poor states, concurrently increasing inequalities between the developed and non-developed states, increasing the number of least-developed states. The second is the revolution in information technologies that has invented “new media” and then made them available to significant parts of the world population (in developed states, the percentage of Internet users well surpasses 50%). Internet and its tools have become ubiquitous (Kurecic, 2016: 35).¶ Unfortunately, social movements usually pursue only their national agenda, and their transborder actions are in most cases ineffective. On the other hand, it is very difficult for a politician connected with social movements to be elected in office, on any level, and in any country, hence all the influence, funds, media, and state security apparatuses are acting to prevent any such event to occur. Therefore, the pursuers of progressive agendas always carry an immense burden even before they start a race for office.¶ Castells (2012) has identified over a 100 diffused and on social networks active social movements that have thrived in 2009-2012 period, in various parts of the world, in democratic and developed states (various movements in European states, Occupy Wall Street Movement etc.), as well as in the autocratic regimes of the developing world (for instance, the Arabian Spring movements, protests in Russia against Putin). All these movements used social media as a means of coordinating their actions and announcing their messages to their supporters and to the outside world.¶ However, we have to ask ourselves – what is the results of all these social movements? What has Arab Spring brought to the Arab countries? Stability, prosperity? Not a chance. On the other hand, we are witnessing chaos, terrorism and destruction after the rise of the political Islam. Is Russia a more democratic country than in 2012 before Putin was elected (again) as President? Is Wall Street less predatory and more socially responsible than it was before the Great Recession and the Occupy Wall Street Movement actions? Maybe it is a bit more regulated. Anything more than that – hardly.¶ In that sense, in their fight against neoliberal geopolitics and the bourgeois capitalist state, social movements have not been very successful. Usually, the elite would make a couple of superficial moves that lowered the levels of tension and social action in a certain society that witnessed the build-up of grievance and social action, manifested through social movements. Then the level of dissatisfaction of the “masses” would exhaust and everything would return to normal, one way or the other. This is, unfortunately a rule when it comes to social action tied with social movements. The trends of neoliberal totalitarian dominance over the economy and politics in most countries of the world have not been reversed. If 62 people have more money than the poorer half of the world’s populations, then it is clear that everything and not just something is deeply wrong. The system needs a reset. Nevertheless, social movements have not been able to reset the system, at least so far.

### 1AR – China Revisionist

#### Engagement has overwhelmingly failed.

Ely Ratner 18. Executive Vice President and Director of Studies at the Center for a New American Security, 12/18/18, “Engagement has failed to make China liberal”, https://www.inkstonenews.com/opinion/ely-ratner-engagement-has-failed-make-china-liberal/article/2178660

America’s policy of engagement isn’t working any more. We need a different strategy toward China from the one we have pursued for the last 30 years. The old policy of engagement was undergirded by the belief that China would gradually become more liberal, more open and more integrated with the existing international system. But unfortunately, however, the gap between these aspirations and China’s actual evolution has only grown wider. Over the last decade, in particular, we have seen new expressions of Chinese illiberalism, authoritarianism and revisionism that run directly counter to US interests. They’re occurring in every dimension in international politics, ideology, military and economy. The US used to regard China as a partner. It sought to stabilize the relationship on several fronts. There were some gains on transnational issues, but overall, the mode of engagement wasn’t working. Beijing rejected nearly every attempt by the United States to resolve important areas of dispute. On economics, China dragged its feet for almost a decade on a bilateral investment treaty that would have addressed a number of the issues at the root of today’s trade war. On economic reforms, Xi Jinping never delivered his promise to open up markets for US businesses. The US and China reached an agreement in 2015 on cybersecurity, but after a short period, China resumed intensive and illegal cyber espionage. On the South China Sea, Xi Jinping famously lied in the White House Rose Garden next to President Obama, saying China had no intention to militarize the disputed waters. On political issues and human rights issues, of course, Xi’s record has been absolutely abysmal. China is currently in the process of exporting its illiberalism and surveillance state to developing countries around the world. And of course, we know there are incredible human rights violations occurring in Xinjiang now. On issue after issue after issue, the US policy of engagement did little to curb any of these behaviors and was instead creating a permissive environment for Chinese assertiveness and Chinese revisionism. Beijing pocketed concessions and gains, and pushed harder rather than seeking to meet the US halfway. We are already seeing the roots of this kind of China-led sphere of influence taking order in parts of Asia and parts of the developing world. And the result of that for the United States is weaker alliances, fewer security partners and a military forced to operate at greater distances. Chinese influence could also lead to US firms losing advantages, trading blocs and regional institutions bowing to Chinese coercion, and a steady decline in democracy and in individual freedoms around the world. The net result of all this, if it is allowed to continue, will be a less secure and less prosperous United States that would be less able to exert power in the world. I firmly believe that the US, with its allies and partners, can prevent China from establishing an illiberal order. And we can do so without provoking armed conflict. The only reason China has been making the kind of advances we’ve seen over the last several years is because the US has not been competing at all. I’m not arguing that the China policy was a total or utter failure, and that nothing good came from US engagement. There were huge economic benefits. We managed a very complicated situation with Taiwan and there was important cooperation on issues like climate change and non-proliferation of nuclear weapons. But in general, the policy of engagement predicated on convergence and integration is no longer valid, in theory or in practice. The China challenge of today is not the China challenge for which the policy of engagement was designed, and we need a new approach.

### 1AR – Taiwan Impact

#### Taiwan is distinct – China is willing to risk war.

Moore 16, Gregory J., The Power of “Sacred Commitments”: Chinese Interests in Taiwan, Foreign Policy Analysis (2016) 12, 214–235

Toward an Understanding of China’s Interests in Taiwan Moving to an analysis of the interests that drove Beijing in the Taiwan Strait Crisis of 1995–1996, this study employs a tripartite methodology8 based on (i) interviews conducted with 28 Chinese America watchers/IR experts and 30 American Chinawatchers/IR experts9 about the crisis, (ii) the statements of concerned policy elites in both capitols before, during and after the crisis, and (iii) conclusions drawn about the crisis as found in the best scholarship from the secondary literature. The study is focused on getting at the underlying factors/interests that actually drove the crisis at the policy level. Without them, the crisis would not have occurred. Beginning with the interviews of 30 American and 28 Chinese experts,10 the well- known, well-established, and well-connected Chinese and American respondents were asked a number of questions, including “What US interests are at stake in the Taiwan Strait such that the United States would risk war with China over Taiwan?” (Table 1) and “What are the reasons China wants Taiwan back badly enough to risk war with the US?” (Table 2) In each case, it was made clear to the interviewees that the question was in reference to the perceptions and considerations of Chinese and American decision-making elites and the time of the 1995–1996 crisis. In giving their responses, respondents were asked to rank them in importance, giving greater weight to the reasons that they thought carried greater importance in the decision-making process. For example, if there were two reasons of equal importance, they might rate them each at 50%; if there were three reasons, a policy was pursued or three interests that were at stake, the first might be 60% of the reason, the second 30% and the third 10% and so on, always adding up to 100% so as to facilitate quantifying the results.11 Table 1 indicates the results of the interviews on the question regarding American interests in the Taiwan Strait in 1995–1996. Both the American andChinese respondents saw American interests in the Strait at the time as consistent with a security-centric focus. American respondents’ emphasized strategic interests (46.5% of respondent emphasis) and economic interests in the region (4.6%) as motivations for US policy in the Strait in 1995–1996. Another factor that was important here, however, was domestic politics (19%) and in this case the influence of the Taiwan lobby. President Clinton was under heavy pressure from Congress to grant Lee Teng-hui a visa in 1995, and there is no doubt this was a primary reason he did so. Again, the visa and the Lee visit were the matters that got the whole crisis rolling. Also important were the facts that Taiwan was a democracy (and the United States supports democracy) and that Taiwan was a friend (and the United States supports its friends).12 As it regards Chinese interests in Taiwan, however, the story was a bit different in terms of the type of factors driving policy. Table 2 above indicates that the most important interest for the Chinese decision-making elite concerning Taiwan, according to both the American and Chinese respondents, was to uphold what is here called China’s “sacred commitments” to Taiwan by blocking anything or anyone who would take it away from China. In other words, “sacred commitments” are the single most important reason China wanted Taiwan back enough to risk war with the United States in 1995–1996 according to both Chinese and American respondents. What are “sacred commitments”? Sacred commitments are defined here as a basket of emotional, nationalistic, historical and almost spiritual notions held by many in China about the “sacredness” of territorial integrity and the commitment of the founders and revolutionaries of modern China to the reunification of the motherland, including Taiwan. “Sacred commitments” accurately describes and reflects the content of numerous Chinese government and scholarly statements on the “sacred” character of Taiwan and the “mission” of bringing Taiwan back to the Mainland. “Sacred commitments” is a label I have given to the following sorts of notions which were found in the secondary literature, statements of policy elites, and in the words of the interviewees: 1. a heartfelt desire to engender a sense of dignity among the Chinese people as they seek to finally end (in part by regaining Taiwan) the period of foreign oppression and domination they endured after 1839,13 along with a sense of the restoration of national “face” (“mianzi” or ) that the return of Taiwan would bring 2. a historical view of the need for China to be unified to be great (and the sense of perception of national greatness China would then achieve with reunification) 3. a commitment to China’s forefathers to complete the revolution started in 1911 and continued in 1949 (and Taiwan represents unfinished business in this regard)14 4. a Chinese sense of identity that Taiwan is simply an important part of China, and the unique place accorded Taiwan in China’s discourse on unity, sovereignty and territorial integrity in the last 60 years.15 Based on the research presented here, sacred commitments, not unlike the commitments of religious practitioners, are commitments that go beyond the pragmatic or utilitarian (and thus material), but are kept because of vows made, beliefs held, and emotions deeply felt. “Sacred commitments” have a life of their own in the mind and the heart, can be powerful motivators, and are “a-rational” in nature, in other words not necessarily “rational” in the utilitarian sense, and yet not at all “irrational” from the perspective of those who hold them. The term “sacred commitments” was derived from the Chinese word for “sacred,” “shen sheng de,” which can be translated as “sacred,” “divine,” or “holy,” and is found in many places in the official Chinese lexicon and scattered throughout other Chinese writings—official, scholarly and popular—in reference to Taiwan.16 Upon close analysis of official government statements on Taiwan and reunification (before and after the 1995–1996 crisis), the term “sacred” is found paired together with other terms like “mission,” “task,’ and “duty” in the context of getting Taiwan back, and in descriptions of Taiwan itself Taiwan was sometimes referred to as China’s “sacred territory.” Because “sacred” was paired with various other words in the interviews, secondary literature and in official statements, the term “sacred commitments” was coined to encompass all of the meanings associated with “sacred” in China’s discourse about Taiwan and reunification. In other words, because Taiwan has been viewed as China’s “sacred territory,” and the idea that getting it back is the Chinese people’s “sacred mission,” “sacred task,” or “sacred duty,” Mainland Chinese have a commitment to reunification that is itself “sacred.” This is the logic behind the term, “sacred commitments.” Sacred commitments should be distinguished from Beijing’s more fundamental and more general national interests, as well as from what Beijing calls its “core interests,” though certainly getting Taiwan back constitutes both a national interest and a core interest. China has many national interests, including development, security, clean air to breath and water to drink for its people, access to sufficient supplies of fossil fuels, and the like. The Chinese government does not have “sacred commitments” to each of these, as sacred commitments is defined here, however. Nor does “Taiwan as core interest” capture what is entailed in “sacred commitments.” China has a number of core interests, including Tibet, Xinjiang, Taiwan, the South China Sea and the East China Sea,17 but while all are important to Beijing, and the violation of any of these are arguably casus belli, it cannot be said that all are comparable to the “sacred commitments” that Beijing has to reunification with Taiwan.18 Zheng Wang argues that since the 1989 Tiananmen incident and the end of the Cold War, the CCP’s overriding raison d’etre has been redefined from class struggle and communist revolution, to national liberation and rejuvenation following imperialist-driven national humiliation (Wang:101– 129). In this context, he argues, “Taiwan is fundamental because after Hong Kong and Macau’s return19 it is the single remaining inhabited Chinese territory not yet returned to the motherland” (131). What is here called “sacred commitments,” this basket of issues, was easily the most common response of both Chinese and American interviewees, and the one interviewee gave the most weight to in responding to the question about China’s interests in getting Taiwan back. 49.4% of the Chinese interviewees’ emphasis was placed on what is here called sacred commitments. In fact, “of the 28 Chinese respondents interviewed, only four failed to refer to some aspect of what has here been called ‘sacred commitments.’” Typical of Chinese responses, Tsinghua University’s Chu Shulong emphasized that the conceptual, historical idea that China should be united—what the Chinese call “da yi tong”—was the primary force behind China’s interest in Taiwan.20 Another interviewee, a senior member of China’s research and intelligence community, argued that reunification with Taiwan is China’s “historical task” and that this was the bulk of the impetus behind the drive for reunification. A researcher/diplomat at a Chinese Foreign Ministry think tank said China’s interest in Taiwan was not economic because China had so much Taiwanese investment already, nor was it strategic, but rather it was about “dignity,” “completion of national unity,” and historical Chinese notions regarding the importance of a unified China (“da yi tong” again). A scholar at one of China’s best universities said she believed getting Taiwan back was primarily (65% of her emphasis) about “national dignity.” Another well-known scholar in Beijing said he believed that while the government did fear the “domino effect” of letting Taiwan go as it regarded other regions of China (Tibet, Xinjiang, etc.), as well as the legitimacy crisis that Chinese leaders allowing Taiwan to go would face (together 40% of his emphasis), the most fundamental issues included fear of losing “national face” (mianzi), Taiwan’s “symbolic importance” or the issue of “national pride,” and again the historical notion of the importance of a unified China. He added another factor as well that the last 50 years have created an incremental structure of relations between the PRC and Taiwan that has made it difficult to break out of,21 a social structural factor. A researcher at another of China’s government think tanks said unifying the Chinese people/ race (“tongyi Zhonghua minzu”) was the most important issue as it regarded China’s interest in Taiwan. Another interesting dimension of the “sacred commitments” issue and Taiwan is that two of the interviewees said the Taiwan issue is more emotional for the average Chinese people than for the more pragmatic government officials, that for the average Chinese the key issue is the historical, emotional, passionate appeal of what is here called “sacred commitments.” One after another of China’s international relations and America experts described what is here called “sacred commitments” as the, or at least a, primary reason the Mainland Chinese were/are so passionate about Taiwan. Moving on to other factors given by interviewees, the second most common answer among the Chinese was domestic political concerns (21.2%). More specifically, the interviewees argued that leaders feared that any policy that led to letting Taiwan go would anger the people, leading to a loss of political legitimacy which would possibly lead them to lose power and possibly even be deposed. The people of China are truly passionate about Taiwan and a number of the interviewees maintained that the leaders really fear the backlash that would come from military leaders and the Chinese “laobaixing”22 if they were to be in power at the time Taiwan were allowed to successfully secede.23 The third most common response was strategic/security interests (10.1%), or the fear that Taiwan would be subsumed into the American orbit and be used by the Americans as an “unsinkable aircraft carrier” against China, threatening Chinese security interests. Fourth was the fear that losing Taiwan would have negative ramifications for territorial integrity above and beyond the loss of Taiwan itself (7.3%). The argument here was that Tibetans, Uighurs, Mongolians, and other non-Han separatist groups in China would say, “If the Taiwanese can declare independence, why can’t we?”24 While they didn’t give this one a lot of emphasis in percentages, many of the Chinese interviewees raised this point (seven of 28 explicitly mentioned it). It was not something that appeared in official statements, however, most likely because it would have been too sensitive to express publically. Moving now from the interviews to statements of policy elites (which form the second leg of this tripartite methodology), in the speeches of Chinese officials, there is much to support the notion that sacred commitments are the key to understanding China’s desire to get Taiwan back in 1995–1996 as well.25 For example, on March 8, 1996, Central Military Commission vice chair and defense minister Chi Haotian quoted People’s Liberation Army founding father Zhu De, saying, “As long as Taiwan is not liberated, the Chinese people’s historical humiliation is not washed away; as long as the motherland is not reunited, our people’s armed forces’ responsibility is not fulfilled.”26 Deng Xiaoping himself said, “It is the common wish of the Chinese people to reunify our country. Once the country is unified, all the Chinese people cannot only stand tall, but also soar” (Bai 1995:23). President Jiang Zemin put it this way. “To put an end to the separation between the two sides of the Taiwan Strait and achieve the reunification of the motherland is the strong aspiration and unshakable determination of all the Chinese people, including our Taiwan compatriots. It is also an irresistible historical trend” (Jiang 1995:8). Yet more interesting are a number of other statements that specifically ascribe a “sacred” character to the return of Taiwan. In a March 21, 1996, press release commenting on United States House Resolution 148, which explicitly urged the Clinton administration to support Taiwan militarily in the event of a Chinese attack,27 an official Chinese government statement was made, that “the Chinese government and the people express our resolute opposition to and strong indignation at this detestable act of the US side which constitutes a serious encroachment upon China’s sovereignty and a gross interference in China’s internal affairs... Taiwan is China’s sacred territory” (PRC Press Release 1996:49). In a letter to the UN Secretary General in 1998 regarding Taiwanese accession to the UN, Chinese Permanent Representative to the UN Qin Huasun wrote, “The settlement of the question of Taiwan and the reunification of the motherland are the sacred missions of all the Chinese people, including those in Taiwan” (BBC and Xinhua News Agency). In March 2000, then-Premier Zhu Rongji called the resolution of “the Taiwan question” and “the complete reunification of the motherland” a “sacred mission” (MacIntyre and August). Hong Kong Chinese correspondent Willy Wo-Lap Lam quoted a senior PLA officer as arguing for a tough stand on Taiwan after Chen Shui-bian’s August 2002 statements by saying, “If we don’t do anything, we may forever fail in the holy task of liberating the island” (Lam). Here it’s about a “holy task.”28 This recitation of the statements of Chinese leaders and scholars, particularly when taken alongside the answers provided by the respondents (who were free to say what they really thought),29 is indicative of the notion that statement, such as “Taiwan is China’s sacred territory,” is clearly an ideational, emotional, even “religious” commitment that is widely held to in China, not just a government slogan. Such a “sacred” commitment is not rooted in the material. While anyone familiar with official Chinese government statements can become cynical about them, the use of this particular language and the fact that it is repeated so often in conversation with persons who have no personal political interest in repeating “the party line,” underline the notion that these “sacred commitments” are very real,30 and they clearly play a role in how the Chinese view/handle Taiwan. There is support in the secondary literature as well for these arguments that China’s commitment to Taiwan is not based primarily on material security considerations, but on an ideational fixation on Taiwan and reunification. In his excellent study of the role of Taiwan in China’s historical nationalism, Christopher Hughes argues that the cession of Taiwan to Japan in 1895 following China’s loss to Japan in the Sino-Japanese War of that year, was “one of the sparks that set off the prairie fire of Chinese nationalism,”31 underlining again that for Mainland Chinese thinkers, Taiwan’s loss has an outsize importance in the Chinese nationalist narrative. American China specialist John Garver emphasizes the connections between what have been called here “sacred commitments” and China’s domestic politics in understanding the crisis. Garver argues that in the wake of the failures of CCP policies from the Great Leap Forward (1958) to the Cultural Revolution (1966–1976) to the Tiananmen Incident (1989), during the 1990s, the Party was relying on nationalism as a rallying point to sustain its legitimacy, and this made the Taiwan problem much more sensitive (Garver 1997:47–49). Seemingly treating China’s commitment to Taiwan as a given, a matter with a historical force of its own, Garver maintains that as Chinese domestic politics shifted to nationalism as a basis for political legitimacy, the Taiwan issue became the litmus test for the younger, more moderate leaders, the way in which they had to show the older, revolutionary leaders that they remained men and women of mettle. There could be no compromise on Taiwan. Added to this was the succession crisis with Deng Xiaoping’s failing health in 1994 and thereafter (he died in 1997)—the new technocratic leadership lacked the revolutionary credentials of their elders and yet needed the elders’ support to rule, so they had little room for compromise on the Taiwan issue given its sensitivities (50).32 In his description of the central importance of Taiwan to Sino-American relations, Principal Deputy Director of the US State Department’s Policy Planning Staff during the time of the crisis, Alan Romberg, says of the island, “For Beijing it symbolized sovereignty, occupying a place at the very core of China’s own sense of national identity and dignity. It stood as an issue of principle that permitted no compromise.” (Romberg 2003:217) Continuing in the vein of the statements above on Taiwan’s value, well-known Chinese scholar Su Ge has said, “... [F]rom ancient times Taiwan has been a sacred (shensheng de in the original Chinese) and indivisible part of China’s territory, and this is a fact of history that no one can change” (Su 1999:6; translation by the author). Hao Yufan, with an argument consistent with this study as well, says the Taiwan issue is “an internal problem,” a problem that exists “... due to the interference of foreign powers and an unfinished civil war” (Hao 2001:183). He adds “... [Taiwan] is a symbol of the invasions and bullying China has suffered by the foreign powers... no [Mainland Chinese] leader can exhibit any weakness on the Taiwan issue” (183). Sourcing “Sacred” Where have these “sacred commitments” come from? What is it about Taiwan that evokes such deep feelings among Mainland Chinese? Does “identity” have something to say about this? Chinese identity is usually rooted in conceptions of the Yellow River region and the civilization that grew up there over the past five thousand years, focusing in particular on the dynastic system of a unified China that began under Emperor Qin some two thousand-plus years ago. A concept with primarily ideational and social derivations, identity in China’s case can certainly be related in part as well to the physical, material geography of the Asian landmass on which the Chinese people live. As it regards this case study, it is important to note that Chinese identity on the Mainland has been constructed to include Taiwan. In fact, it is not possible for most Mainland Chinese to conceive of China without Taiwan, so successful has been the production of this view of Chinese identity in Mainland China.33 There are several ways in which today’s Mainland Chinese identity is closely tied to Taiwan and by which Taiwanese independence movements and US policy sometimes threatens it. To substantiate this point, a bit of history must be recalled. Again, the Mainland Chinese notion that “a strong China is a united China” is hundreds of years old, though the notion is very much alive today in China and many of the Chinese interviewees mentioned it in interviews for this study. When the ruling Chinese dynasty was strong, China was unified and could in most cases thwart threats to China’s sovereignty. When China’s ruling dynasty became weak, order would break down, the country would sometimes break apart, and “foreign devils” would take advantage of China’s weakness, dividing it further. The latter scenario characterized China’s situation in the nineteenth century when the Qing Dynasty floundered and foreign powers began encroaching on China’s dignity and its territory. Since 1839 in particular, China has suffered much at the hands of foreign powers, starting with the Opium Wars that began at that time, and continuing with the loss of Taiwan to Japan in 1895, and on through the 1930s and 1940s with the Japanese invasion of Mainland China and the Chinese Civil War. Out of this have come notions of China’s “century of humiliation” (approximately 1839–1949). This history and the strong sense of indignation it has engendered in the Chinese people, which is boldly propagated today by China’s government media and educational system, is a powerful part of today’s Mainland Chinese identity. It has led to what Gries (2001) has called “the victimization narrative,” a narrative or discourse in China about China’s suffering at foreign hands since 1839, which has also become a fundamental part of Chinese identity today in the PRC. This, as Zheng Wang argues, is the key element of China’s constructed identity today, for “historical memory is the prime raw material for constructing China’s national identity,” (Wang:223) and this victimization narrative (or as Wang puts it, this narrative of national humiliation) is the key element the Party has inculcated in the people since 1992 to shore up support and its own legitimacy.34 This narrative of Chinese identity in today’s PRC is the soil in which grows what has here been called “sacred commitments” to Taiwan—the emotionalism, nationalism, and indignation at the roles of foreign powers in (i) wresting Taiwan away from China,35 and (ii) in keeping Taiwan away from China.36 The Taiwan question is close to the heart of the deepest lore of the Chinese Communist Party’s rise to power and its epic battles with the Japanese, then the KMT, and then the KMT’s flight to Taiwan, where the Americans protected them from what Mainlanders saw as their just desserts. For all of these reasons, from the Mainland Chinese perspective, to allow Taiwan to leave China, whether by plebiscite or by foreign incursion, is tantamount to treason, an assault on “Chinese identity” as it is presented here, and, if Zheng Wang is right, is a threat to the core identity and fundamental legitimacy of the Chinese Communist Party today. A China that is not strong enough to stop its territory from being carved up (as was the case in 1895, and as the departure of Taiwan would indicate to them today) could not be the China that Mainland Chinese see gloriously rising from the ashes of the Western incursions and Japanese invasions of China, the Chinese civil war and the Cultural Revolution. In Mainland Chinese eyes this rise started under the bold but often flawed leadership of Mao Zedong, but has continued under the pragmatic oversight of Deng, Jiang, Hu and now Xi, as China’s booming economy continues to strengthen the country and enrich the people. A Taiwan that successfully secedes creates in effect cognitive dissonance as it regards Mainland Chinese identity, for this would be a serious disconnect between the “what is” (in this case) and the “what should be.” Moreover, allowing Taiwan to go is also seen as an insult to China’s dignity given all that has happened to China at foreign hands. A very important point here is that reunification is seen as a way to finally put right what first Japan, then the KMT/Nationalists, and then the United States have perpetuated in Mainland eyes in engineering and then maintaining the separation of Taiwan from China. Letting Taiwan go is also seen as a betrayal by today’s Chinese of their ancestors who pledged to get Taiwan back, a powerful point in a society in which Confucianism (and its respect for elders) has been an important part of its historical identity. China’s “sacred commitments” to regaining Taiwan strike very close to the heart of the Mainland Chinese identity as currently conceived. Addressing Counter-Arguments As it regards this study’s conclusions, how would one know whether they were wrong? Realists like John Mearsheimer argue that non-material factors like “sacred commitments” do not drive major policy decisions, but rather material factors do.37 To test this approach against the one offered in this study, one might ask what this case would have looked like had such material factors and interests been the driving forces? One employing a material-driven Realist approach38 to China’s interest in Taiwan and the 1995–1996 crisis might have expected to have observed several things. First, one would have expected the Chinese to consider Taiwan’s importance primarily in terms of economic/resource benefits that might accrue by regaining the island or by its strategic value as the “unsinkable aircraft carrier.” Second, the difference in status between Taiwan’s actual independence and its present status (that is, as independent in every way except for formal, declaratory independence and the international recognition that would accompany it) would not have been expected to have been all that important to Beijing. In strictly strategic terms, there is no difference between the two statuses of Taiwan—in reality it is administratively separate from China in either case, with its own government, its own currency, its own military. Third, China must be expected to have looked at its security as its primary interest, so the matter of Taiwan can be taken in no other context. Therefore, in line with Realists assumptions, its identity and/or emotionalism connected to unresolved conflicts from the past would not be expected to trump the deeper issue of national security. Given that a war to regain Taiwan could put China in a position of being at war with the United States, the nation that poses the most serious potential security threat to China, the nation most in a position to thwart China’s rise as a great power, and (ironically) the foreign nation singly most responsible for helping facilitate the astronomical growth of China’s export-led economy (by its own foreign policy in the 1970s and its open trade policies since), one would expect China to take a long view of its economic and security interests and do everything it could to avoid war with the United States over the symbolism involved in Taiwan’s status, at least until China’s power matures. How do these three assumptions inherent to a Realist, material-driven approach compare to the results of this study? First, while there certainly is a strategic value to Taiwan that could benefit Mainland China, it was not the issue this research found to be the driving force for China’s interest in Taiwan under the period of study. Rather, “sacred commitments” were found to be most salient. Moreover, the argument that China’s primary interest in Taiwan is strategic has been made by some, but is found wanting here. For example, Alan Wachman has argued that China’s primary interest in Taiwan is strategic, most importantly so that China’s navy has a break-out capability, enabling its ships and in particular its submarines39 greater freedom to move eastward from Taiwan into deeper water with greater ease and less detectability by the United States and its security partners. The argument is that presently China is blocked in to some degree, from Japan’s main islands to the Ryukyus, to Taiwan, to the Philippines, and around to Singapore and the Malacca Straits. Taiwan would give China naval projection power, hence its value.40 Wachman’s argument has a number of problems as presented. William Murray, retired submariner, expert on China’s maritime policy, and associate professor at the US Naval War College, says he does not agree with Wachman that China’s possession of Taiwan would give its navy (its submarines in particular) a break-out capacity, allowing its ships and subs greater ease and less detectability to move out of the first-string of islands surrounding China’s coast: “I don’t really think China’s submarines would have much of a problem getting to deep water undetected in wartime, as is, so I don’t really agree with Dr. Wachman’s premise.”41 Wachman’s argument has another problem. In his case for the importance of the geo-strategic factors from the Chinese point of view, he presents primarily the PLA perspective. Almost all of sources and quotes he presents are from the PLA.42 It is no surprise that these thinkers would emphasize the geo-strategic salience of getting Taiwan back. The data I have presented here, while it includes the PLA point of view, is not limited there to. In his arguments, Wachman makes great concessions to what I have called “sacred commitments” and the role of domestic political pressures on the leadership,43 though in the end he dismisses their importance in favor of geo-strategic factors. Yet while he has written an entire book on the question, “Why Taiwan? Geostrategic Rationales for China’s Territorial Integrity,” he makes an enormous concession in his conclusion that, “... the foreign policy elites and even individuals in the central leadership may share the conviction that Taiwan has geostrategic salience, although conclusive evidence of that has yet to be presented.”44 This study has presented evidence that while Taiwan has strategic value in Beijing’s eyes, what is more important in this case are “sacred commitments” and domestic political pressures. Second, again regarding the necessary assumptions of a material-driven approach and the outcome of this study, Beijing clearly is concerned about the symbolic difference between (i) a Taiwan that is formally independent, and (ii) a Taiwan that is not formally independent but exists as a de facto independent political entity as is the case today. Chinese leaders have stated time and again that China reserves the right to go to war if Taiwan declares formal independence. In fact, they have registered their vehement opposition to any removal of “Republic of China” from ROC passports and passed an Anti-Secession Law in 2005 saying that (i) any moves by Taipei to separate itself from China, (ii) any actual separation of Taiwan from China, or (iii) anything that results in the permanent delaying of reunification are each sufficient causes for Chinese use of force. Third, because China is willing to go to war over Taiwan if the latter declares independence, even if it means war with the United States, neither strategic long-term nor short-term material interests appear to be driving its calculations. It mus

t be something else, for surely Beijing knows that a war with the United States over Taiwan would do much more to threaten China’s security and other material interests than any other international scenario Beijing might imagine short of outright invasion by a foreign power or a foreign-led insurrection inside China.45 The point is, this research and other studies46 show that what are here called “sacred commitments” and domestic political concerns have been the driving forces in Beijing’s Taiwan policy, not material factors and interests and that because of these factors China is prepared to go to war over Taiwan if it comes to that, despite the costs. A note is due here about sacred commitments and generalizability. It is not suggested here that sacred commitments is a general predictor of Chinese behavior in any given situation, for the sacred commitments narrative seems to be a factor relegated to application to Taiwan alone. The sacred narrative has not been applied by Beijing to the South China Sea, the Diaoyu Islands or any other feature. How are Chinese commitments to Taiwan comparable to China’s commitments to the East China Sea or the South China Sea? Speaking first of similarities, China has claims to not only Taiwan, but to islands in both the East China and South China Seas.47 The Diaoyus/East China Sea and the South China Sea, if possessed unchallenged by China, would bring Beijing certain territorial, resource, and security benefits as well, as with Taiwan. With the Diaoyu Islands, another similarity with Taiwan is that 1895 is the year that both were taken by Japan according to the Chinese narrative.48 Another similarity has arisen, in that recently the South China Sea and the East China Sea have been defined as being part of China’s “core interests,” which has been the case for Taiwan for as long as the PRC has existed. The similarities end there, however. First, neither the Diaoyu Islands nor the South China Sea has figured prominently in China’s nationalism discourse until more recently. During WW2 ROC President Chiang Kai-shek had argued (successfully) with Roosevelt, Churchill, and Stalin for the inclusion of Formosa/ Taiwan in the Cairo and Potsdam Declarations as needing to be returned to China, though such prominence was not given to the Diaoyu Islands or the South China Sea. As for Mao, while he made claims about the importance of retaking Taiwan from the establishment of the People’s Republic of China in 1949 on, there was very little discussion of the South China Sea or the Diaoyu Islands from top Chinese leaders until the early 1970s, and even then there was no comparison to the importance of the role played in Chinese discourse that Taiwan has held. Second, no one lives on the maritime features that comprise the South China Sea and the East China Sea, except in the case of Sansha City on Yongxing (Woody) Island in the Paracel Island Group, which quite recently has acquired approximately 600 inhabitants. Taiwan, on the other hand, has 23 million inhabitants, approximately 98% of which have Han Chinese heritage. Moreover, those Chinese inhabitants have created a democracy and buy their defensive equipment from the United States. Third, Taiwan has an area of about 14,000 square miles, whereas Yongxing (Woody) Island, the largest of the Paracels, comprises 0.8 square miles, and the five isles which comprise the Diaoyu Islands together make up 2.7 square miles. Fourth, most of the nations of the world recognize Taiwan as belonging historically to China based on historical documents (only 22 nations and the Vatican recognize the Republic of China, the rest of the world’s nations recognizing the PRC and accepting it as the sole representative of China), demographic realities (a majority Chinese population), and at least two international legal documents (the Cairo and Potsdam Declarations) noting China’s rightful claim to Taiwan and stating that the island should return to China (along with other territories taken by Japan)49 at the end of WW2. On the contrary, few nations of the world recognize China’s claims to either the East China Sea and Diaoyu Isles or the South China Sea nine-dotted line area. Fifth, Chinese public opinion is highly supportive of central government efforts to prevent the separation of Taiwan from the Mainland, even if it meant war, whereas the South and East China Seas do not have the emotional, historical or nationalistic appeal Taiwan does to ordinary Chinese.50 The Chinese government enjoys little room for compromise on Taiwan as it regards public opinion, whereas it might enjoy greater policy flexibility in dealing with the East and South China Seas. For example, while the Chinese government might have the flexibility to work out a compromise arrangement with Japan on joint management of the East China Sea, etc., there will be no compromise in Mainland Chinese policy/minds on the ultimate return of Taiwan to the Mainland. Finally, while the Chinese government has sharpened its rhetoric regarding its claims in the South and East China Seas in the last few years, it has not used the emotional, “sacred commitments” narrative in these two cases, as it has with Taiwan. For all of these reasons, while China may in the end go to war over some of the features in the East and South China Seas in coming years if situations warrant it—as its confrontations with Japan (Diaoyudao/Senkakus), the Philippines (Huangyandao/Penatag,) and Vietnam (Spratleys and Paracels) in recent years suggest is at least a possibility—this is not a given in the sense that war over Taiwan would be if Taiwan were to make any moves toward independence, etc. While they have upgraded the status of the South and East China Sea claims to “core interests” (as has been the case with Taiwan since the establishment of the PRC), the Chinese government has not constructed a “sacred commitments” narrative about the South and East China’s Seas. Consequently, I would not expect the level of commitment to these areas and their features as I would to Taiwan, I would expect greater policy flexibility in these areas than I would with Taiwan, and I would expect a higher threshold for major armed conflict in these areas than with Taiwan. That said, and given the stable relations between Beijing and Taipei presently, minor armed conflict (skirmishes) over maritime features in the East and South Chinese Seas may in the short term be a greater danger than armed conflict over Taiwan, which would be of a more serious nature given the long history of unresolved conflict, the significant military forces arrayed on both sides of the Strait, the emotionalism, and the proximity of a large non-combatant population which could be impacted on both sides of the Strait. Another question that might arise in response to the arguments presented here is why has China exhibited some degree of policy flexibility toward Taiwan though sacred commitments must be viewed more or less as a constant? Sacred commitments as argument claims to explain motivations, but makes no pretense of explaining tactics, or what policymakers will actually do in a given situation. Actual policy in any state is impacted by many factors, including domestic policy, perceptions, events, and strategic and cost–benefit analyses of achieving desired goals, etc. Beijing’s policy flexibility, where seen, depends on situational, domestic political, strategic and other factors including political trends in Taiwan such as the election of Ma with his more amiable Beijing policy, all depending on which season of policy flexibility is being addressed. Conclusions and Implications for Theory and Policy The most basic Chinese interest in the crisis in the Taiwan Strait in 1995–1996 was to prevent any moves by Taiwan toward becoming independent primarily because of China’s “sacred commitments” to reunification and secondarily because of concerns among the leadership that the loss of Taiwan would be a serious blow to their legitimacy.51 Wrapped up in all of this was China’s identity as a developing “socialist state with Chinese characteristics” which has suffered a “century of humiliation” and is informed by “the victimization narrative” (Gries 2001), all of which made the government and people of the PRC very sensitive to events regarding Taiwan (Wang 2012). In Beijing’s eyes Lee Teng-hui’s visit to the United States and his highly political speech at Cornell symbolized both Lee-inspired Taiwan separatism and American complicity therein. This was in part due to the Chinese misperception that Clinton could and would block the Lee visa in Congress, and China’s misperception as to US motives in the Strait (believing that the United States really was bent on encouraging Taiwan to become independent).52 Consequently, by granting Lee a visa, the Chinese concluded that America had threatened a vital Chinese interest—it had challenged China’s “sacred commitments” to Taiwan. After the Lee visit, China’s commitment to preventing Taiwan from declaring independence meant a need to deter Taiwan from walking down the road to independence, which the Chinese sought to achieve by missile firings and military exercises in and around the Taiwan Strait in 1995 and 1996. This study has concluded that China’s interest in regaining Taiwan53 is constituted by a combination of the following variables, in order of salience: “sacred commitments,” domestic politics (which include leaders’ fear of angering people and leaders’ fear of loss of legitimacy and loss of power if Taiwan was let go), security interests, the fear that losing Taiwan could presage a loss of other areas (Tibet, etc.), and economic interests. It has concluded that all of these have worked in conjunction to serve construct China’s “interest” in and policy of striving to regain (or at least not lose) Taiwan. These are not mutually exclusive because, for example, the domestic political pressure on the leaders not to “lose” Taiwan comes in part from the peoples’ own notion of “sacred commitments” to Taiwan, which was created in part by government-run media sources and educational institutions. Likewise, strategic and economic interests in Taiwan put pressure on the leaders not to let Taiwan go, but to honor these “sacred commitments.” The fear of the precedent of letting Taiwan go, as it regards independence movements in Tibet and Xinjiang, also added to the pressure on the leaders not to compromise on Taiwan. Though not equal in their impact, these things all worked together to shape policy and bring about the policy outcome described above. Understanding their interplay is not a clean, tidy, or necessarily scientific process, however. This is why triangulation via the tripartite method described here was selected as a way of trying to understand the factors that were most salient in the minds of the policymakers in this case. This study has a number of theoretical implications, the most important of which is the role of ideational factors, sacred commitments in particular, in China’s Taiwan policy. It has been conventional wisdom54 to see China’s foreign policy as very much in the tradition of realpolitik. 55 However, while many ascribe to China Realist world views and the primacy of realpolitik-driven foreign policy proclivities, as it concerns this particular case China’s policy toward Taiwan in the 1995–1996 crisis seems to have been driven more so by idealpolitik—or more specifically, constructed notions of a “sacred commitment” to reunification—than toward the strategic and material gains it could gain by reunification. This is consistent with a school of thought, as it regards understanding China’s foreign policy, that material-driven, rational choice approaches to understanding Chinese foreign policy do not get us as far as approaches that utilize in addition (or in some cases exclusively) non-material (ideational, social, normative, identity-based, etc.) factors toward the same end.56 Making this same case is Taiwan-based scholar Shih Chih-yu, who argues that if in fact security considerations were Beijing’s primary concern regarding Taiwan’s importance, why not just let Taiwan become independent, and then seek a security pact with it? He maintains that it was not Chinese concerns about national security that motivated the strong Chinese show of force in the Taiwan Strait in 1995 and 1996, but rather nationalism and emotionalism that were the primary motivating forces,57 arguing that despite its possible use as a forward naval base, Taiwan is in fact more trouble than it’s worth, particularly if its attainment meant war with the United States, which could truly threaten Mainland China’s national security. Thomas Christensen’s study of Chinese foreign policy behavior concurs with Shih’s conclusions. Since realpolitik would suggest attention to political realities, not legalities, it is puzzling why the change from de facto independence, which Taiwan has had since 1949, to legal independence would drive China to risk damage to its economy and war with the world’s only superpower [the US]. But there is convincing evidence that China is prepared to do just that.” (Christensen 1996:45) Christensen buttresses the point that an ahistorical Realism just does not explain China’s attitudes toward Taiwan, for China’s obsession with Taiwan is simply not “rational” from a conventional rationalist, utilitarian, or material-driven Realist perspective. Taken alone, perhaps China’s “sacred” rhetoric might be seen as simply rhetoric. Yet considering the consistency with which this language has been used by China’s highest officials and its scholars and researchers, and taken against the backdrop of the comments of the respondents in this study, it must be taken seriously. Subsequently, a number of policy implications flow from this study. First, policymakers in the United States and Taiwan must remain clear that China’s commitment to Taiwan is unwavering, not entirely “rational”58 from a realpolitik perspective, and is even “sacred” in nature. While pragmatism probably is the reigning worldview in China today and much of China’s foreign policy behavior is consistent with it, its approach to Taiwan is different, as this study has shown. Relations between Beijing and Taipei have since 2008 been good, and we all hope they’ll continue to improve. Yet this is not a given, however, because (i) the stakes for Beijing have not changed (Beijing still wants Taiwan back and will not compromise on that), (ii) Taiwan is a democracy and so a continuation of today’s relatively Beijing-friendly policy under the Ma Administration is not guaranteed, and (iii) with Beijing’s growing economic and military capabilities the scales are slowly tipping in its favor if it does eventually decide to resort to force.59 The second implication of this study is that armed conflict in the Taiwan Strait, with China on one side and Taiwan and the United States on the other, remains all too easy to slip into, even today. Though the increasing economic interdependence between Mainland China and Taiwan certainly raises the costs of going to war, it is not clear that it has lessened the dangers of conflict considerably once the term of the present leadership in Taiwan comes to an end in 2016, particularly as the balance of power across the Strait continues to tip in Beijing’s favor.60 Third, and consequently, the United States will have little choice but to continue its “double deterrence” policy toward Beijing and Taipei (Bush 2013), that is, attempting to deter Beijing from using force vis a` vis Taiwan, and at the same time attempting to deter Taiwan from moves toward independence or otherwise unilaterally altering the status quo between it and China. This would include continuing to sell Taiwan, in the least provocative (to Beijing) manner possible, the basic tools Taiwan needs for its defense (Kan 2013), while doing all it can to maintain good relations with both Beijing and Taipei. Washington might do a better job as well of communicating to Beijing that it is not opposed to reunification as long as Taiwan finds the means thereto acceptable. In this respect, there is a fundamental misunderstanding of US policy on Beijing’s part, for Beijing seems convinced that the United States is bent on keeping Taiwan and the Mainland divided.61 This study found that in this classic confrontation between a status quo hegemonic power (the United States) and a rising power (China), squaring off over a wealthy island in a strategic waterway (Taiwan), there is surprisingly little evidence that the stuff of standard material-driven discourse on security concerns and balancing drove China’s policy. All of this leads to the conclusion that while Realism may be the best lens through which to view some foreign policy behavior, in this case it would not have been very fruitful to employ Realist approaches to SinoAmerican relations, depending as they do so exclusively on strategic material factors and material definitions of interests for their explanatory power. For cases such as this one, more fruitful are approaches like constructivism, and methodologies like the one employed in this study, that incorporate domestic politics, interests defined in non-material ways, and non-material (ideational and social) factors more fully and systematically. Failing to do so leaves one with the unfortunate consequence of overlooking or at least under accounting for the force of factors such as China’s “sacred commitments” to Taiwan.

### 1AR – No Drone Impact

#### No drone arms race and no impact - their ev is exaggerated

**Foust 12**

Joshua Foust is a fellow at the American Security Project, PBS, December 20, 2012, "The false fear of autonomous weapons", http://www.pbs.org/wnet/need-to-know/uncategorized/the-false-fear-of-autonomous-weapons/15835/

Last month, Human Rights Watch raised eyebrows with a provocatively titled report about autonomous weaponry that can select targets and fire at them without human input. “Losing Humanity: The Case Against Killer Robots,” blasts the headline, and argues that autonomous weapons will increase the danger to civilians in conflict. In this report, HRW urges the international community to “prohibit the development, production, and use of fully autonomous weapons” because these machines “inherently lack human qualities that provide legal and non-legal checks on the killing of civilians.” While such concern is understandable, it **is misplaced**. For starters, as HRW concede in their report, **no country**, including the U.S., has decided to either **develop or deploy** fully autonomous armed robots. Shortly after the report was published, the Pentagon released a directive on the development of autonomy that called for “commanders and operators to exercise appropriate levels of human judgment over the use of force.” So **if the Pentagon doesn’t want fully autonomous weapons, why is there such concern** about them? Part of the reason, arguably, is cultural. American **science fiction**, in particular, has made clear that autonomous robot are deadly. From the Terminator franchise, the original and the remake of Battlestar Galactica, to the Matrix trilogy, the clear thrust of popular science fiction is that making machines functional without human input will be the downfall of humanity. It is under this sci-fi “understanding” of technology that some object to autonomous weaponry. However, the Pentagon directive **shows** that **the military certainly doesn’t want total weaponry autonomy**. A deeper look at this type of weapon reveals that **the perceived threat may not be valid**. In fact, re-examination might suggest more plausible alternatives to this technology than full-bore prohibition. **Many of the processes that go into making lethal decisions are already automated**. The intelligence community (IC) generates around 50,000 pages of analysis each year, culled from hundreds of thousands of messages. Every day analysts reviewing targeting intelligence populate lists for the military and CIA via hundreds of pages of documents selected by computer filters and automated databases that discriminate for certain keywords. In war zones, too, many decisions to kill are at least partly automated. Software programs such as Panatir collect massive amounts of information about IEDs, analyze without human input, and spit out lists of likely targets. No human could possibly read, understand, analyze, and output so much information in such a short period of time. Automated systems **already** decide to fire at targets without human input,

as well. The U.S. Army fields advanced counter-mortar systems that track incoming mortar rounds, swat them out of the sky, and fire a return volley of mortars in response without any direct human input. In fact, the U.S. has employed similar (though less advanced) automated defensive systems for decades aboard its navy vessels. Additionally, heat-seeking missiles don’t require human input once they’re fired – on their own, they seek out and destroy the nearest intense heat source regardless of identity. It’s hard to see how, in that context, a drone (or rather the computer system operating the drone) that automatically selects a target for possible strike **is morally or legally any different than weapons the U.S. already employs.**

#### Warming doesn’t cause extinction.

Farquhar et al. 17 Sebastian Farquhar, DPhil student at Oxford specializing in Cyber Security and AI. John Halstead, doctorate in political philosophy. Owen Cotton-Barratt, DPhil in pure mathematics. Stefan Schubert, Oxford's department of experimental psychology. Haydn Belfield, degree in Philosophy, Politics and Economics from Oriel College. Andrew Snyder-Beattie, Director of Research at the Future of Humanity Institute, University of Oxford, MS in biomathematics. [Existential Risk: Diplomacy and Governance, Global Priorities Project 2017]//BPS

The most likely levels of global warming are very unlikely to cause human extinction.15 The existential risks of climate change instead stem from tail risk climate change – the low probability of extreme levels of warming – and interaction with other sources of risk. It is impossible to say with confidence at what point global warming would become severe enough to pose an existential threat. Research has suggested that warming of 11-12°C would render most of the planet uninhabitable,16 and would completely devastate agriculture.17 This would pose an extreme threat to human civilisation as we know it.18 Warming of around 7°C or more could potentially produce conflict and instability on such a scale that the indirect effects could be an existential risk, although it is extremely uncertain how likely such scenarios are.19 Moreover, the timescales over which such changes might happen could mean that humanity is able to adapt enough to avoid extinction in even very extreme scenarios.