# R6 Disclosure

# 1AC

### 1AC---Platforms

Advantage 1 is platforms---

#### 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.

#### Fintech’s disruptive startups have been squashed by large financial institutions

Loo ’18 – Associate Professor at BU Law [Rory Van; Associate Professor, Boston University School of Law and Affiliated Fellow, Yale Law School Information Society Project; 2018; "Making Innovation More Competitive: The Case of Fintech"; UCLA Law Review; https://heinonline.org/HOL/Page?handle=hein.journals/uclalr65&div=7&g\_sent=1&casa\_token=&collection=journals; accessed 8-18-2021]

Fintechs can be of any size. Four of the ten largest U.S. companies, Google, Apple, Amazon, and Facebook, all have built payment systems and made other inroads into finance.36 Despite the participation of large technology companies, the main drivers of fintech innovation have been the thousands of startups attracting billions of dollars in investment each year. Startup business models are novel, diverse, and shifting. One of the earliest fintech areas was peer-topeer lending, in which companies link individuals who have money to those who want it.37 Most of the original peer-to-peer companies have already grown beyond their origins and now engage in more familiar "marketplace lending."38 They receive money from banks to lend to individuals, and their innovations have spread to other areas, such as sophisticated analytic tools for estimating borrowers' creditworthiness.39

Unlike the other categories of consumer fintechs, advisory fintechs do not need to directly receive any money from consumers to offer their basic product. The goal of Credit Karma, NerdWallet, Mint, and other advisory fintechs is to help people make all of their financial decisions through a single app.4" These companies learn about users-with permission-by accessing personal bank accounts, credit scores, credit card records, tax returns, and other similar sources of financial information. Users then receive recommendations about credit cards or mortgages with lower fees, savings accounts that pay higher rates, and other products that better meet their needs.41

While the term "fintech" is used here to exclude traditional banks, all major financial institutions have become highly technological. The leading banks are each purchasing fintech startups, forming strategic partnerships, or internally building whiz teams to design new products.42 JP Morgan Chase's Intelligent Solutions Group has over 200 analysts and data scientists and produced about fifty technologies in 2015 alone.43 Goldman Sachs, which has more engineers than Facebook or Twitter, is launching an online lender.44 In light of Wall Street's increasing launch of digital products and adoption of artificial intelligence,45 regulating fintech amounts to regulating the future of finance.

B. Private Sector Institutional Dynamics

Fintechs could in theory pose a threat to traditional banks. Almost threequarters of millennials say they would prefer to receive their financial services from technology companies such as Google and Amazon, rather than big banks.46 Convenience, trust, and price all could play important roles in driving customer switching. Individual users, including small businesses, increasingly find dealing with big banks to be time-consuming and frustrating compared to the ease of tailored startup apps.47 In recent years, consumers have grown distrustful of large financial institutions, whose reputations have been battered by subprime mortgage lending, the financial crisis, the LIBOR scandal, and Wells Fargo opening millions of fake accounts in customers' names. 48

Innovation helps explain why publicly traded companies are disappearing at a faster rate today than ever before-six times as fast as forty years ago.49 Online startups have even thrived in other heavily regulated industries, such as transportation and gambling." Convenience and lower costs have driven some of this success, and many fintechs offer similar advantages.51 Furthermore, unlike some industries that Silicon Valley has invaded, finance lacks a meaningful physical component. This makes the base products inherently vulnerable to digital competition. Traditional banks' infrastructures-including their legacy information systems and physical branches-inhibit their ability to rapidly respond to disruption.

Since Dimon's 2015 warning, however, the dynamics between fintech and traditional firms appear to have shifted. Entrepreneurs who started out wanting to do to banks what Amazon did to retail have wound up licensing their technology to banks.52 As one industry observer puts it: "What was once perhaps an adversarial relationship has warmed .... Many no longer see an existential threat in fintech. Instead, they believe that "[i]t is most likely that the small fintech companies will be subsumed" by large financial institutions. 4

Ii. The Competition Shortcomings

A given fintech's decision of whether to challenge or join banks will depend in part on whether regulations and market dynamics give it a real chance to compete. Competition is extremely difficult to measure, and economic models inadequately consider important factors, such as innovation.5 To assess the hypothesis that a lack of competition inhibits fintech, this Part surveys the evidence related to entry barriers, customer switching, anticompetitive prices, and the relative pace of U.S. innovation.

A. Entry Barriers

When firms face excessive barriers to entering a market, competition can stagnate, raising prices and lowering innovation. 6 Although part of the problem is simply the large amount of regulation, 7 fintech has faced two further entry barriers: traditional firms' ability to block market access and the difficulty in obtaining a federal bank license.

Legacy financial institutions can limit some fintechs' operations through control of data. Most notably, advisory fintechs rely on access to both personal and general product data. 8 Some banks' response has been to block or limit fintechs' access to customer accounts, thereby making it harder for fintechs to provide tailored advice. 9 Legacy institutions can also block fintechs from collecting online product information by using laws never intended for such a purpose, including trespass to chattel, the Digital Millennium Copyright Act,6 " and the Computer Fraud and Abuse Act.61 As a result, advisory fintechs cannot on their own provide comprehensive financial advice to their users. In order to access crucial data, fintechs may need to prioritize big banks' interests over helping consumers switch.

Some legacy firms can also limit market access through their dominant market positions. Over 99 percent of all credit card transactions run through the Visa, American Express, Mastercard, and Discover networks.62 Many commentators have documented credit card companies' ability to engage in exclusionary conduct, such as vertical restraint clauses that prevent merchants from using other payment methods.63 Although credit card companies may not be able to use those same tactics against payment fintechs, their strong market positions could enable them to deploy other tactics. They have, for instance, instituted "Honor All Cards" rules requiring merchants to accept their contactless payments as a condition of accepting plastic cards. These rules arguably "foreclose entry to those digital wallets that.., do not use the credit card networks for payments. 64

#### That means US fintech will lose to international competitors.

Loo ’18 – Associate Professor at BU Law [Rory Van; Associate Professor, Boston University School of Law and Affiliated Fellow, Yale Law School Information Society Project; 2018; "Making Innovation More Competitive: The Case of Fintech"; UCLA Law Review; https://heinonline.org/HOL/Page?handle=hein.journals/uclalr65&div=7&g\_sent=1&casa\_token=&collection=journals; accessed 8-18-2021]

C. International Competitiveness

Less efficient and innovative U.S. financial services are problematic not only in isolation, but also from an international perspective. Scholars and regulators have inconclusively debated whether banks need to be big to maintain their international competitiveness. 12' Less well-recognized is how a lack of domestic competition may undermine U.S. financial firms' global competitiveness. Foreign financial firms may gain an edge by being subject to greater competition in their home markets, thereby being forced to innovate more and operate leanly. This creates two potential problems. First, reduced domestic competitiveness may make the United States less able to enter foreign markets. The U.S. economy has benefited in recent years from billions of dollars in revenues earned abroad by Google and other leading digital companies. 126 Given the growing portion of the global economy taken up by finance, the fintech lag could constitute a large-scale missed opportunity for U.S. firms to strengthen the economy by bringing in revenues earned abroad.

Second, in the long term, American financial firms may become more vulnerable to international competition even in domestic markets. Although U.S. licenses can shield banks from foreign fintech challengers today, distributed ledger technologies may change this. Americans are already increasingly using Bitcoin, Ethereum, and other unregulated virtual currencies based on blockchain technology.127 Much is unknown about how such technologies will develop, and the trust offered by a governmentally overseen financial system may prove difficult to replicate. 128 If, however, an era of wide-open global finance arrives, U.S. financial institutions could find themselves suddenly exposed to international competition as never before. Without U.S. regulators to insulate them, U.S. financial institutions made soft by lesser competition would be more prone to lose significant market share to foreign financial institutions than they would be if domestic markets were more competitive.

#### Fintech innovation is key to the effectiveness of U.S. economic sanctions

Harrell and Rosenberg 19 – Peter E. Harrell is an adjunct senior fellow at the Center for a New American Security; former Deputy Assistant Secretary for Counter Threat Finance and Sanctions at the U.S. State Department. Elizabeth Rosenberg is a senior fellow and director and director of the Energy, Economics, and Security Program at the Center for a New American Security.

Peter E. Harrell and Elizabeth Rosenberg, “Economic Dominance, Financial Technology, and the Future of U.S. Economic Coercion,” *Center for a New American Security*, 2019, pp. 25-26, http://files.cnas.org.s3.amazonaws.com/documents/CNAS-Report-Economic\_Dominance-final.pdf.

Developments in financial technology also have the potential to affect the availability and strength of coercive economic measures over the longer term. The movement to develop blockchain-based, decentralized payments platforms and new digital currencies or tokenized assets that feature anonymity can undermine the strength of coercive economic measures. However, financial technology developments, such as the development of artificial intelligence/machine learning (AI/ML) compliance technologies, also present potential means to better detect and stop evaders and avoiders of U.S. economic coercion throughout global chains of financial interconnectivity.

Financial technologies are not themselves the drivers of potential future changes to the sources of coercive economic leverage. However, they may enable foreign governments to develop better tools to insulate transactions from U.S. jurisdiction. And, regardless of the actions of foreign governments as they spread commercially, they may help evaders duck U.S. coercive economic power in limited but meaningful ways. Conversely, new AI/ML or other technologies may help U.S. policymakers implementing economic coercion to better do their job.

Financial technology can be a facilitator of rapid transformation in the financial services sector. Importantly, financial technology developments will not happen just in the United States; a number of other countries, from China to Singapore to Switzerland, are promoting themselves as financial technology leaders. There is no guarantee that financial technology innovators and investors will be centered in the United States in the future—which represents a vulnerability to U.S. economic prominence.

Maintaining U.S. Leverage

The extent to which the United States will maintain coercive economic leverage in a world where financial technology disrupts aspects of the traditional financial architecture will depend to a significant degree on the extent to which U.S. firms, and large global firms, continue to play a dominant role in the development of the technology. To put it bluntly, a blockchain-based clearing mechanism that enables trade between foreign countries without financial transactions touching the dollar would likely undermine U.S. leverage if the technology were developed and operated by a foreign company that had no need to adhere to U.S. law. The United States would maintain at least some leverage if the technology were developed or operated by a U.S. company obliged to adhere to U.S. sanctions, technology-export restrictions, and other relevant laws, or a foreign company with significant U.S. exposure.

#### Iran’s an emerging global hub for Bitcoin mining---that obviates the effectiveness of sanctions.

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Thomas, 1-29-2019, "How Bitcoin Could Help Iran Undermine U.S. Sanctions,” New York Times, https://www.nytimes.com/2019/01/29/world/middleeast/bitcoin-iran-sanctions.html

Iran’s economy has been hobbled by banking sanctions that effectively stop foreign companies from doing business in the country. But transactions in Bitcoin, difficult to trace, could allow Iranians to make international payments while bypassing the American restrictions on banks.

In the past, the threat of United States sanctions has been enough to squelch most business with Iran, but the anonymous payments made in Bitcoin could change that. While Washington could still monitor and intimidate major companies, countless small and midsize companies could exploit Bitcoin and other cryptocurrencies to conduct business under American radar.

The United States Treasury, well aware of the threat, is attempting to bring Bitcoin and the others into line. In recent weeks, in response to an internet fraud case originating from Iran, the Treasury imposed sanctions on two Iranians and the Bitcoin addresses, or ‘‘wallets,’’ they had used for trading in the currency.

The Treasury also has warned digital marketplaces that buy and sell Bitcoin and companies that sell computers used to process Bitcoin transactions that they should not provide services to Iranians. Several well-known trading sites are now blocking buyers and sellers from Iran. Some have confiscated money belonging to clients based in Iran.

“Treasury will aggressively pursue Iran and other rogue regimes attempting to exploit digital currencies,” the department said in a statement.

But by their nature, cryptocurrencies are uncontrolled by any person or entity. At best, efforts to regulate or monitor trade in them are episodic, whack-a-mole affairs. With Bitcoin and other cryptocurrencies, there is simply no way to duplicate the banking sanctions that have proved so damaging to the Iranian economy.

Bitcoin transactions are recorded on a digital ledger or database known as the blockchain, maintained communally by many independent computers. The system is designed explicitly to avoid central banks and large financial institutions. Like emails delivered without going through a central postal service, the computer network maintaining Bitcoin records enables the movement of money without going through any central authority.

The Iranian government has been slow to recognize the potential sanctions-evading possibilities of Bitcoin. But it is now considering the establishment of exchanges to facilitate trading, one official, Abdolhassan Firouzabadi, said recently. Despite the failure of Venezuela’s state-backed cryptocurrency, the Petro, Iran’s central bank said recently that it was seriously considering creation of something similar, possibly called the Crypto-Rial, named after the national currency, the rial.

Still, Iran’s venture into Bitcoin pales in comparison to what has been happening the former Soviet republic of Georgia, where thousands of people have jumped into the cryptocurrency business.

At the computerized processing operation in the Iranian desert, no one seemed particularly concerned with the geopolitical implications of Bitcoin.

The operation consisted of 2,800 computers from China, fitted into eight containers, which when linked are called a farm. It makes intense mathematical calculations, known as mining, needed to confirm Bitcoin transactions. Miners collect fees in Bitcoin for their services.

Ignoring the rain, the European visitor used the calculator on his mobile phone to determine how much money could be made from this particular farm, multiplying computer power and deducting electricity and operational costs.

He estimated about five Bitcoins a month, which at roughly $4,000 per Bitcoin at current price levels, would be about $20,000.

“Not too bad,” he said.

The currency fluctuates like any other, though it has proved particularly volatile, sinking to slightly less than $4,000 a unit from nearly $20,000 about a year ago.

“We’ll have two engineers on site to keep everything running, that’s it,” said Behzad, the chief executive of IranAsic, the company running the site. He, like the European investor, did not want to provide his family name, out of fear of penalties from the United States.

The Chinese computers, called Antminer V9s, were regarded as outdated by the European visitor. Still, he said, “I guess this is the last place on earth where they are still profitable.”

That helps explain why Iran seems to be taking its first baby steps toward becoming a global center for mining Bitcoins. Because of generous government subsidies, electricity — the energy for the computers needed to process cryptocurrency transactions — costs little in Iran. It goes for about six-tenths of a cent per kilowatt-hour, compared with an average of 12 cents in the United States and 35 cents in Germany.

In recent months, dozens of foreign investors from Europe, Russia and Asia have considered moving their mining operations to Iran and other low-cost countries like Georgia. “We have to be flexible in this industry and go where prices are the lowest in order to survive,” said the European investor.

#### Tracking solves Iranian evasion---US lead key

**Robinson 21** --- Ph.D., Co-founder and Chief Scientist discusses cryptocurrency forensics, investigations, compliance, and sanctions.

Tom, "How Iran Uses Bitcoin Mining to Evade Sanctions and “Export” Millions of Barrels of Oil," Elliptic, <https://www.elliptic.co/blog/how-iran-uses-bitcoin-mining-to-evade-sanctions>

The Iranian state is therefore effectively selling its energy reserves on the global markets, using the Bitcoin mining process to bypass trade embargoes. Iran-based miners are paid directly in Bitcoin, which can then be used to pay for imports - allowing sanctions on payments through Iranian financial institutions to be circumvented.

This has become all but an official policy, with a think tank attached to the Iranian president’s office recently publishing a report highlighting the use of cryptoassets to avoid sanctions.

Many of those making the Bitcoin transactions and paying the fees to Iran-based miners will be located in the United States - the very country spearheading the sanctions. As the US government considers whether to lift some sanctions on Iran in exchange for a return to a nuclear deal, it will need to consider the role that Bitcoin mining plays in enabling Iran to monetise its natural resources and access financial services such as payments.

In the meantime, financial institutions should consider the sanctions risk they are exposed to due to Iranian Bitcoin mining - particularly those that are beginning to offer cryptoasset services. If 4.5% of Bitcoin mining is based in Iran, then there is a 4.5% chance that any Bitcoin transaction will involve the sender paying a transaction fee to a Bitcoin miner in Iran. Financial institutions should also be on the lookout for crypto deposits originating from Iranian miners that are seeking to cash-out their earnings.

Solutions for Sanctions Risks

However as we discuss in more detail our new sanctions guide, solutions to these challenges exist and are already used by financial institutions engaging in cryptoasset activity.

For example, blockchain analytics solutions such as those provided by Elliptic can be used by regulated financial institutions to detect and block cryptoasset deposits from Iran-based entities including miners. Techniques can also be employed to ensure that transaction fees are not paid to miners in high risk jurisdictions.

#### Strong sanctions prevent Iranian nuclear acquisition

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Kallen, 2021, “Economic Sanctions and Nuclear Non-proliferation: A Comparative Study of North Korea and Iran, “University of Waterloo, Fulfilment of the thesis requirement for the degree of Master of Arts, https://uwspace.uwaterloo.ca/bitstream/handle/10012/16666/Morrison\_Kallen%20.pdf?sequence=3

Economic sanctions have been successful in stopping Iran from pursuing their nuclear program thus far. Iran has conceded multiple times to the United States and the international community to halt the enrichment of uranium and the advancement of their nuclear program. The most notable example of Iran’s concessions has been the signing of the Joint Comprehensive Plan of Action in which Iran agreed to halt and greatly reduce their nuclear program in return for substantial easing of economic sanctions. The second criteria has been met as Iran’s economy has significantly worsened due to continued economic pressure from the United States and the international community. Iran’s economy has significantly worsened due to continued economic pressure from the United States and the international community. Continued economic pressure has been paramount to bringing Iran to the negotiating table. While the United States and its regional allies do pose a military threat to Iran, that is unlikely a sufficient factor in dissuading Iran.

We have established that the level of political contestation in the targeted countries, their economic and security vulnerabilities, and the degree of international cooperation are important factors in determining if economic sanctions are effective at limiting nuclear proliferation. In Iran’s case the regime, while authoritarian, allows for limited political contestation. The general public gets to elect the president (even if candidates are handpicked by the supreme leader). Iranians have been able to protest against the government. One goal of economic sanctions is to galvanize the general public against the government and their policy decisions. Iranians have indeed been frustrated by the sanctions and voiced their discontent with the government policies targeted by the sanctions.

Iran’s international environment is also conductive for economic sanctions to be effective. Iran is a regional power with an impressive arsenal of missiles and extensive network of proxy forces. Therefore, nuclear weapons are not imperative for Iran’s defence. On the other end, Iran’s economy is largely based on oil and gas exports. Integration into the global market is very important for Iranians and a vital source of revenue for the government. Economic sanctions have hurt the Iranian economy and therefore have hurt Iranians. The economic squeeze has brought Iran to the negotiating table in the past and will likely do so in the future. The international approach to Iran has been encompassing with the European Union and the United Kingdom taking a common stand with the United States in preventing Iran from acquiring nuclear weapons. Even after the United States left the JCPOA the EU and UK have attempted to develop mechanisms to provide Iran with economic incentives to keep Iran abiding to the JCPOA. Even though China has given Iran an economic lifeline there is tension within Iran over concerns of becoming too economically dependent on China.

#### Israel preempts Iran prolif---draws in all major powers

Scheinman 18 – Security Studies Chair, Nat’l War College; Nuclear Nonprolif Rep. for Obama

Adam M. Scheinman, What if Iran leaves the NPT?, 8 June 2018, <https://thebulletin.org/2018/06/what-if-iran-leaves-the-npt/>

Not to diminish the immensity of North Korea’s nuclear challenge, but Iran’s withdrawal from the NPT carries weightier risks. It would likely mean that Iran’s Supreme Leader had given the green light to an Iranian nuclear weapon, opening the floodgates to NPT withdrawals by other Arab states—Saudi Arabia, the UAE, and Egypt head that list. These and possibly other Sunni governments, none of whom can rely on a major power for defense, may conclude that they require their own nuclear weapon to check Iran’s rise. The Saudis are very clear and public on this point.

More immediately, Israel may feel compelled to strike Iranian nuclear facilities before they become fully operational. This raises the specter of a regional war that may draw in several of the nuclear weapon states—the United States, the UK, France, and Russia—and reshape the Middle East in ways we cannot predict. Whether the NPT could survive such a shock is another unknown.

#### Loss of economic leverage alone is sufficient to trigger the impact.

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Neri, 9-14-2021, "Israel Can Live With a New Iran Nuclear Deal, Defense Minister Says," Foreign Policy, https://foreignpolicy.com/2021/09/14/israel-iran-nuclear-deal-defense-minister-gantz/

TEL AVIV, Israel—Israel would be willing to accept a return to a U.S.-negotiated nuclear deal with Iran, Defense Minister Benny Gantz told Foreign Policy—but Israeli officials are also pressing Washington to prepare a serious “demonstration of power” in case negotiations with Tehran fail.

The remarks, made during an exclusive interview last week, appear to reflect a shift in policy for Israel, which under the leadership of former Prime Minister Benjamin Netanyahu loudly opposed the 2015 nuclear agreement and worked to undermine it.

Former U.S. President Donald Trump pulled the United States out of the agreement in 2018, but the Biden administration has renewed the diplomacy—even as Iran moves closer to enriching enough uranium to make a nuclear weapon.

Gantz, asked about efforts by the Biden administration to get back to an agreement with Iran, said: “The current U.S. approach of putting the Iran nuclear program back in a box, I’d accept that.”

He added that Israel would want to see a “viable U.S.-led plan B” that includes broad economic pressure on Iran in case the talks fail. And he gestured at Israel’s own “plan C,” which would involve military action.

Gantz estimated that Iran was two to three months away from having the materials and capabilities to produce one nuclear bomb. Iran has steadily ramped up its nuclear work since the United States withdrew from the deal, despite a so-called maximum pressure campaign advanced by Trump and Netanyahu that included sanctions and sabotage efforts.

#### Can’t stay contained---multiple pathways to global nuclear war.

Avery 13 – Lektor Emeritus & Associate Professor, U of Copenhagen

John Scales Avery, Lektor Emeritus, Associate Professor, at the Department of Chemistry, University of Copenhagen, since 1990 he has been the Contact Person in Denmark for Pugwash Conferences on Science and World Affairs, An Attack On Iran Could Escalate Into Global Nuclear War, 11/6/13, http://www.countercurrents.org/avery061113.htm

Despite the willingness of Iran's new President, Hassan Rouhani to make all reasonable concessions to US demands, Israeli pressure groups in Washington continue to demand an attack on Iran. But such an attack might escalate into a global nuclear war, with catastrophic consequences. As we approach the 100th anniversary World War I, we should remember that this colossal disaster escalated uncontrollably from what was intended to be a minor conflict. There is a danger that an attack on Iran would escalate into a large-scale war in the Middle East, entirely destabilizing a region that is already deep in problems. The unstable government of Pakistan might be overthrown, and the revolutionary Pakistani government might enter the war on the side of Iran, thus introducing nuclear weapons into the conflict. Russia and China, firm allies of Iran, might also be drawn into a general war in the Middle East. Since much of the world's oil comes from the region, such a war would certainly cause the price of oil to reach unheard-of heights, with catastrophic effects on the global economy. In the dangerous situation that could potentially result from an attack on Iran, there is a risk that nuclear weapons would be used, either intentionally, or by accident or miscalculation. Recent research has shown that besides making large areas of the world uninhabitable through long-lasting radioactive contamination, a nuclear war would damage global agriculture to such an extent that a global famine of previously unknown proportions would result. Thus, nuclear war is the ultimate ecological catastrophe. It could destroy human civilization and much of the biosphere. To risk such a war would be an unforgivable offense against the lives and future of all the peoples of the world, US citizens included.

#### Saudi will follow them across the nuclear threshold---nuclear war.

Robb et. al 12 (Senator Charles S. – Virginia, General Charles Wald – Former Deputy Commander of U.S. European Command, Dr. Daniel Ahn – Senior Economist and Head of Portfolio Strategy for CitiBank New York, John Hannah – Former Assistant for National Security Affairs to the Vice President, Stephen Rademaker – Former Assistant Secretary of State for Arms Control and Nonproliferation, Christopher Carney – former U.S. Representative from Pennsylvania, Ed Husain – Senior Fellow for Middle Eastern Studies at the Council on Foreign Relations, Ambassador Dennis Ross – Counselor for the Washington Institute for Near East Policy, Ambassador Eric Edelman – Former Under Secretary of Defense for Policy, Reuben Jeffrey III – Former U. S. Under Secretary of State for Economic, Business, and Agricultural Affairs, John Tanner – Former U.S. Representative from Tennessee, Secretary Dan Glickman – Senior Fellow at the Bipartisan Policy Center, Admiral Gregory Johnson – Former Commander of U.S. Naval Forces, Europe, Mortimer Zuckerman – CEO and Chairman of the Board of Directors for Boston Properties, Inc., Larry Goldsetin – Founder of Energy Policy Research Foundation, Inc., and General Ron Keys – Former Commander of the Air Combat Command, The Price of Inaction: Analysis of Energy and Economic Effects of a Nuclear Iran, Bipartisan Policy Center, p. 24)

Saudi Arabia would be very likely to try to follow Iran across the nuclear threshold. Should it do so, the world would face the possibility of an Iran-Saudi nuclear exchange—a catastrophic humanitarian event that would threaten the entirety of Gulf oil exports for an extended period of time. In early 2008, the Senate Foreign Relations Committee concluded: “If Iran obtains a nuclear weapon, it will place tremendous pressure on Saudi Arabia to follow suit.”19 By 2012, some experts believe it has already begun to do so. Two main factors could drive Saudi Arabia to pursue a nuclear weapon: (1) a decades-long Saudi-Iran cold war waged along sectarian, religious, ethnic, and geopolitical lines and (2) a deep-seated competition over the energy policies that form the lifeblood of both regimes. The Sunni Saudi monarchy and Shiite Iranian theocracy each claim leadership of the Islamic world. This sectarian competition for primacy is reinforced by ethnic differences: Saudi Arabia is the largest and most populous Arab country astride the Gulf, but it is dwarfed by Iran’s much larger Persian-majority population. These competing claims have pitted the two countries in an enduring cold war and proxy conflict spanning from Lebanon to Iraq and the Arabian Peninsula. Iran—under both the Shah and the ayatollahs—has routinely sought to use its conventional military capabilities, large population, geostrategic position, expansive resources, and ties to armed groups to shift the balance of power in the Persian Gulf in its favor and at the expense of its Sunni Arab neighbors.20 As a result, Saudi Arabia has made it clear it views a nuclear-capable Iran as an existential threat. In 2008, King Abdullah urged the United States to “cut off the head of the snake,” one instance of his “frequent exhortations [to] the United States to attack Iran to put an end to its nuclear weapons program,” according to U.S. diplomatic cables revealed by Wikileaks.21 With uncertain prospects for a halt to Iran’s nuclear program—peaceful or otherwise—in 2009, the King informed a senior American official, “If [Iran] gets nuclear weapons, we will get nuclear weapons.” This year, senior Saudi officials reiterated that “it would be completely unacceptable to have Iran with a nuclear capability and not the kingdom [of Saudi Arabia].”22 Rather than lose time developing an indigenous nuclear program, it is likely the Saudi kingdom would seek to obtain a nuclear warhead from Pakistan ready to mount on its CSS-2 ballistic missiles. Close Saudi-Pakistani security ties date back to shared Cold War–era interests, and it is widely believed that Riyadh bankrolled Islamabad’s nuclear weapons program with the stipulation that Pakistan would sell nuclear devices to Saudi Arabia in an emergency; in the words of a senior Saudi official, “within weeks.”23 Pakistan would benefit by receiving much-needed cash and could demand in return dual-key authority over missile launches, both to control Saudi policy and to bolster its own secondstrike capability against India. At best, this would create a nuclear-armed standoff between the two most powerful and mutually antagonistic countries in the Persian Gulf. At worst, it could devolve into atomic warfare. Iran’s and Saudi Arabia’s small arsenals, lack of durable communication channels, poor civilian oversight of command-and-control systems, erratic intelligence, proximity to each other, religious ardor, and sectarian divide would all distinguish this scenario from the Cold War balance between the United States and the Soviet Union. Any such conflict would likely be extremely devastating. Each country would have natural incentives to cripple its opponent’s oil facilities in any nuclear conflict. Crudeoil exports are both regimes’ political and economic lifeblood, and thus the basis for their military power. Also, each country’s oil infrastructure and export terminals are concentrated along the Gulf, within range of the other’s nuclear-weapons delivery vehicles. Moreover, a nuclear war in this region would likely not only destroy a large portion of the Gulf’s oil infrastructure but also render the entire Gulf unavailable to shipping for some period of time. This could come directly through radioactive fallout, atmospheric pollution, and environmental destruction, or indirectly through prohibitively high insurance rates and other risk factors for tankers transiting the region.24 Therefore, even if a nuclear exchange did not spread into a region-wide war, the transit of Hormuz-bound oil exports would be halted by such a conflict.

#### 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 prohibit platform conduct that fails under rule of reason without imposing heightened burdens on plaintiffs.

#### The aff removes *Amex*’s increased burdens for platform challenges—that solves because well-plead cases go forward and courts will reject anticompetitive conduct

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(Erik, “Platform Antitrust,” 44 J. Corp. L. 713)

That is no longer the case, however, as the Supreme Court recently confronted platform commerce head-on in AmEx 111.13 In June of 2018, the Court issued its first decision on how antitrust's rule of reason 14 is to be applied in cases involving platform defendants. 15 It was superficially a question of how to define the "relevant market" for purposes of an antitrust adjudication. 1 6 In particular, the question was whether the market definition must include both groups of users, which would require a plaintiff to prove a net injury to competition across both user groups-not just to win on the merits, but simply to carry its initial burden. The Supreme Court held that it does. 17

Most of the important complexities arising under two-sided competition center on the juxtaposition of countervailing effects-that is, pro and anticompetitive effects-arising within the separate sides of the market. In fact, even outside the platform context, such a juxtaposition of plausible effects is very common in antitrust disputes. And the rule of reason ordinarily divides the burdens of establishing them; it bifurcates them into separate stages, delaying the need for potential balancing or "netting out" of the effects (which is notoriously difficult) until the final stage of the adjudication. By evaluating the effects carefully and independently, a court is better equipped to determine whether such balancing is genuinely necessary; and, if so, the court is at least in a better position to compare the relevant effects. However, the Court's AmEx III decision largely abandoned this burdenshifting framework, effectively collapsing the entire rule of reason analysis-and all of its intermediate inquiries-into the plaintiffs initial burden.

Whether or not one agrees with its holding, the AmEx III decision is inarguably a watershed moment for platform antitrust. Against this backdrop, this Article considers how antitrust ought to accommodate the distinctive features of platforms and platform competition. It focuses principally on conduct evaluated under the rule of reason, 18 with emphasis on vertical restraints and unilateral conduct. 19 The analysis is organized as follows: I begin by providing an overview of the distinctive features of platforms and platform competition, as reflected within the platform economics literature. Part III then explains how such factors may bear on the analysis of various restrictive practices that are already familiar within antitrust, but whose effects may become more or less concerning when undertaken by two-sided defendants. In Part IV, I address the economic effects of an important category of restraints that are unique to platform markets. Finally, Part V turns to the broad question of law that was at issue in AmEx III.

One of the important competitive dynamics arising in platform markets is known as "steering." 21 This refers to any efforts aimed at inducing users to opt for one platform over another. The restraint at issue in AmEx IIIwas an example of this: it prohibits its merchants from offering AmEx cardholders a better price at checkout if they agree to switch to an alternative card (e.g. Visa), since competing cards generally charge lower network usage fees to merchants. 22 But, more generally, steering restraints take many different forms, and arise in many platform markets. 3 In general, steering strategies are usually procompetitive, as they typically act as a vehicle for price competition among rival platforms. Restraints on steering should therefore be regarded as a potential source of serious antitrust concerns. However, as discussed in detail in Part III, many research articles suggest that such restraints may be necessary to maintain adequate participation, and thus regard their welfare effects as highly ambiguous. 24 The AmEx III opinion cites these commentaries copiously. Importantly, however, these arguments stem primarily from economic models involving a platform monopolist, with the operative restraint merely precluding efforts to steer users toward a nonpla'fform alternative (e.g. toward cash rather than using a monopolist's payment card platform). 25 But this is not a good representation of how such restraints usually operate in real-world commerce. In practice, most of the relevant restraints seek to prevent steering toward competing platforms, rather than a nonplatform alternative that lacks the same transactional efficiencies.

As I argue below, when a restraint merely prevents steering toward competing platforms, there is substantially less reason to presume that it might be justified for reasons relating to the market's two-sidedness. Instead, the more likely result is simply that it prevents users from switching to rival platforms that would provide them with better jointvalue. That would suggest the restraint does not enhance the market-wide volume of trade. Rather, at best, it merely reallocates transactions among platforms, albeit in a way that leaves transacting parties with diminished welfare on average. At worst, it affirmatively reduces the overall volume of trade by undermining price competition generally. This can occur for two reasons. First, the restraint may extinguish rival platforms' incentive to make competitive price offerings, as it may prevent transacting parties from switching to the competitor's platform in response to its price cut. Second, the restraint may induce sellers who transact over the platform to set higher retail prices for their own wares, which injures all consumers, whether or not they take advantage of the platform's transaction service.

The question of law addressed in AmEx III is extremely broad in scope, as it bears on the application of antitrust law to all kinds of restrictive practices that might be undertaken by transaction platforms. As noted above, while facially a holding about market definition, the Supreme Court's decision is in fact a major alteration of the rule of reason's burden shifting framework. The Court's analysis was guided principally by a number of antitrust academics that focus most of their attention on a simple point-in effect that "both sides matter," and that it would be inappropriate to focus on one side myopically. 26 While correct, this point was actually never in dispute. Even the district court, whose market definition was formally limited to the merchant side of the market, 27 expressly emphasized the importance of accounting for the market's two-sidedness. 28 Indeed, its analysis gives substantial attention to cardholders, and it even concluded that they were likely injured in addition to merchants. 2 9 Despite this, the AmEx III majority chastised the district court's approach as "looking at only one side of the platform in isolation."' 30

It is indeed true that a platform's conduct may have countervailing effects within the two sides, and that this requires courts to take the market's two-sidedness into account. 31 But it does not follow that the appropriate way to deal with this is to require a plaintiff to "net out" all such considerations merely in order to support its prima facie case-before the defendant has substantiated its asserted efficiency defense. This approach is also a substantial deviation from precedent. Most difficult cases evaluated under the rule of reason involve potential countervailing pro- and anticompetitive effects. 32 And the courts developed a multi-stage burden shifting framework precisely to deal with this difficulty. By construction, this framework contemplates that a plaintiff can carry its initial burden without having shown that the defendant's conduct is definitively anticompetitive on the whole; that is why it is merely the first stage among several.

Far from providing any necessary reform, the AmEx III decision merely developed a "law of the horse": a needless construction of new legal principles when the old ones would do just fine (and likely much better).33 It is true that platform economics has important implications for antitrust policy and practice; this Article gives substantial attention to that fact. But such considerations can already be accounted for-both more practicably and more reliably-within the rule of reason's existing structure. To that end, a much better approach would be to maintain careful consideration of platform economics throughout the established burden shifting framework, which is designed to work through complex cases in incremental steps and to cast light on countervailing effects through an efficient allocation of burdens.

#### The aff is goldilocks – it remedies type II errors because it is POSSIBLE for plaintiffs to win, but caps type I error because most would still be dismissed

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(Erik, “Platform Antitrust,” 44 J. Corp. L. 713)

C. Plaintiffs Already Bear the Burden on Balancing

Balancing anticompetitive effects against procompetitive efficiencies is notoriously challenging. 196 It is intuitively sensible that, if there are countervailing welfare effects, the burden ought to be on the plaintiff to establish that the balance of effects results in a net injury. But it is incorrect to presume that the AmEx III decision-which requires balancing right out of the gates-was necessary to achieve this result.

Recall that, if the defendant establishes a procompetitive justification and the plaintiff fails to identify a less restrictive alternative, then the court must attempt to balance the countervailing effects. Here, the plaintiff carries the burden of persuasion by virtue of its underlying obligation to prove an anticompetitive effect by a preponderance of evidence. 1 9 7 As such, the rule of reason already ensures that the plaintiff bears the ultimate burden as to the balance of countervailing effects. But, critically, the usual approach delays the balancing inquiry until such time as the court can be sure it is necessary-namely, until after the defendant has established a significant efficiency that might warrant balancing.

Most rule of reason cases resolve before reaching the balancing stage. 198 However, this is in part due to the fact that a large majority of cases end at the first stage, with plaintiffs failing to make a prima facie case. 199 Michael Carrier finds that, between 1999 and 2009, plaintiffs fail at the first stage in 97% of rule of reason cases. 2 0 Further, 'there was only one final judgment issued in a plaintiff's favor over that period (out of 222 total judgments). Thus, given that the burden of establishing a prima facie case *without* balancing is already highly demanding, we would hardly stack the deck against defendants by continuing to reserve the balancing analysis for the final stage.

Everyone agrees that platform economics makes matters more complicated, which does indeed increase the concern that courts might err in attempting to resolve the balance of countervailing effects. But the maximal possible number of type 1 errors is capped by the number of judgments issued in plaintiffs' favor. And that number is already miniscule under the traditional burden shifting rules. As such, there simply isn't any room for a large swath of plaintiff-favoring errors, because plaintiffs almost never win in the first place.

### 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

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(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

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(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.

#### Prospect of big tech acquisition dampens innovation

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.

#### SCENARIO ONE IS AI:

#### AI acquisitions have increased six-fold.

CB Insights ’19 – data analytics company [CB Insights; private company with a business analytics platform and global database that provides market intelligence on private companies and investor activities, targeted at private equity, venture capital, investment banking, angel investing, and consulting professionals by providing insights about high growth private companies; 9-17-2019; "The Race For AI: Here Are The Tech Giants Rushing To Snap Up Artificial Intelligence Startups"; CB Insights; https://www.cbinsights.com/research/top-acquirers-ai-startups-ma-timeline/; accessed 8-15-2021]

Artificial intelligence has long been a major focus for tech leaders across industries. Big corporations across every sector, from retail to agriculture, are trying to integrate machine learning into their products. At the same time, there is an acute shortage of AI talent.

This combination is fueling a heated race to scoop up top AI startups, many of which are still in the early stages of research and funding.

Below, we dig into AI acquisition trends, from which companies are the most acquisitive to what areas of focus are attracting the most attention.

TECH GIANTS LEAD IN AI ACQUISITIONS

The usual suspects are leading the race for AI: tech giants like Facebook, Amazon, Microsoft, Google, & Apple (FAMGA) have all been aggressively acquiring AI startups in the last decade.

Among the FAMGA companies, Apple leads the way, making 20 total AI acquisitions since 2010. It is followed by Google (the frontrunner from 2012 to 2016) with 14 acquisitions and Microsoft with 10.

Apple’s AI acquisition spree, which has helped it overtake Google in recent years, was essential to the development of new iPhone features. For example, FaceID, the technology that allows users to unlock their iPhone X just by looking at it, stems from Apple’s M&A moves in chips and computer vision, including the acquisition of AI company RealFace.

In fact, many of FAMGA’s prominent products and services came out of acquisitions of AI companies — such as Apple’s Siri, or Google’s contributions to healthcare through DeepMind.

That said, tech giants are far from the only companies snatching up AI startups.

Since 2010, there have been 635 AI acquisitions, as companies aim to build out their AI capabilities and capture sought-after talent (as of 8/31/2019).

The pace of these acquisitions has also been increasing. AI acquisitions saw a more than 6x uptick from 2013 to 2018, including last year’s record of 166 AI acquisitions — up 38% year-over-year.

In 2019, there have already been 140+ acquisitions (as of August), putting the year on track to beat the 2018 record at the current run rate.

#### Tech behemoths won’t take DOD contracts. Antitrust would encourage smaller firms to develop AI for the sole purpose of defense needs.

Foster and Arnold ’20 – Researchers at ***Georgetown’s*** Center for Security and Emerging Technology [Dakota; Visiting Researcher at Georgetown’s Center for Security and Emerging Technology, graduate student in the Department of War Studies at King’s College London, conducted research on terrorism and U.S. national security policy for the U.S. military, the House Foreign Affairs Committee, and the Washington Institute; Zachary; Research Fellow at Georgetown’s Center for Security and Emerging Technology, where he focuses on AI investment flows and workforce trends, J.D. from Yale Law School; 2020; "Antitrust and Artificial Intelligence: How Breaking Up Big Tech Could Affect the Pentagon’s Access to AI"; Center for Security and Emerging Technology at Georgetown University; https://www.geopolitic.ro/wp-content/uploads/2020/05/CSET-Antitrust-and-Artificial-Intelligence.pdf; accessed 8-10-2021]

3. Are smaller vendors more likely to produce innovative products that meet the Pentagon’s needs?

Tech industry leaders have relatively **little incentive** to work with the Pentagon. Their companies already enjoy **broad customer bases** and financial independence from U.S. government contracts—including those **at the Pentagon**.89 DOD contracts involve **applying** AI technology in varied, complex, and **operationally demanding** environments with **low tolerance** for error. Similarly, industry has **little motivation** to take on unique DOD **data management** and privacy requirements, such as data compartmentalization, protection against deceptive or compromised data inputs, and strict **data accountability** provisions complicating **algorithm training**.90 Finally, some commercial AI advances will easily convert into Pentagon applications. Others will require significant, difficult adaption and productization.

Antitrust action could create **smaller AI firms** targeting DOD business as their “**niche**.” With the Pentagon as their **sole customer**, these firms could focus on its unique needs, tailoring broader AI innovations for the Pentagon through **productization** and **organizational adaptation**. They could follow the example of **Palantir**, which makes 50 percent of its revenue from **government contracts**,91 or Kratos (60 percent).92 In the last five years, a **number of companies** have emerged in this mold, including Anduril Labs (2017), Shield AI (2015), Descartes Labs (2014), and Uptake (2014). As smaller firms’ primary, high-value customer, the Pentagon can **dictate** their innovation objectives, ultimately yielding AI applications better suited to **defense needs**.

#### Military AI ushers in the erosion of conventional deterrence – developing it is necessary to prevent great power wars.

Brose ’19 – Senior Fellow at the Carnegie Endowment for International Peace [Christian; Senior Fellow at the Carnegie Endowment for International Peace; 2019; "The New Revolution in Military Affairs"; Foreign Affairs; <https://www.foreignaffairs.com/articles/2019-04-16/new-revolution-military-affairs>]

The idea of a future military revolution became discredited amid nearly two decades of war after 2001 and has been further damaged by reductions in defense spending since 2011. But along the way, the United States has also **squandered** hundreds of **billions** of dollars trying to modernize in the **wrong ways**. Instead of thinking systematically about buying faster, more **effective kill chains** that could be built now, Washington poured **money** into **newer versions** of **old military platforms** and **prayed** for **technological miracles** to come (which often became acquisition debacles when those miracles did not materialize). The result is that U.S. battle networks are not nearly as **fast** or **effective** as they have appeared while the United States has been fighting lesser opponents for almost three decades.

Yet if ever there were a time to **get serious** about the coming revolution in **military affairs**, it is **now**. There is an emerging consensus that the United States' top **defense-planning priority** should be **contending** with **great powers** with **advanced militaries**, primarily **China**, and that **new technologies**, once intriguing but speculative, are now both **real** and **essential** to **future military advantage**. Senior military leaders and defense experts are also starting to agree, albeit belatedly, that when it comes to these threats, the United States is **falling dangerously behind**.

This reality demands more than a revolution in technology; it requires a revolution in thinking. And that thinking must focus more on how the U.S. military fights than with what it fights. The problem is not **insufficient spending** on defense; it is that the U.S. military is being countered by **rivals** with **superior strategies**. The United States, in other words, is playing a **losing game**. The question, accordingly, is not how **new technologies** can improve the U.S. military's ability to do what it already does but how they can enable it to operate in **new ways**. If American defense officials do not answer that question, there will still be a **revolution in military affairs**. But it will primarily **benefit others**.

It is still possible for the United States to adapt and succeed, but the scale of change required is enormous. The **traditional model** of U.S. **military power** is being **disrupted**, the way Blockbuster's business model was amid the rise of Amazon and Netflix. A military made up of **small numbers** of **large**, **expensive**, **heavily manned**, and **hard-to replace** systems will not **survive** on **future battlefields**, where swarms of **intelligent machines** will deliver violence at a **greater volume** and **higher velocity** than **ever before**. Success will require a **different kind of military**, one built around **large numbers** of **small**, **inexpensive**, **expendable**, and **highly autonomous** systems. The United States has the money, human capital, and technology to assemble that kind of military. The question is whether it has the imagination and the resolve.

NEW TECHNOLOGIES, OLD PROBLEMS

**Artificial intelligence** and other emerging technologies will change the way **war is fought**, but they will not change its nature. Whether it involves longbows or source code, war will always be violent, politically motivated, and composed of the same three elemental functions that new recruits learn in basic training: move, shoot, and communicate.

Movement in warfare entails hiding and seeking (attackers try to evade detection; defenders try to detect them) and penetrating and repelling (attackers try to enter opponents’ space; defenders try to deny them access). But in a world that is becoming one giant sensor, hiding and penetrating—never easy in warfare—will be far more difficult, if not impossible. The amount of data generated by networked devices, the so-called Internet of Things, is on pace to triple between 2016 and 2021. More significant, the proliferation of low-cost, commercial sensors that can detect more things more clearly over greater distances is already providing more real-time global surveillance than has existed at any time in history. This is especially true in space. In the past, the high costs of launching satellites required them to be large, expensive, and designed to orbit for decades. But as access to space gets cheaper, satellites are becoming more like mobile phones—mass-produced devices that are used for a few years and then replaced. Commercial space companies are already fielding hundreds of small, cheap satellites. Soon, there will be thousands of such satellites, providing an unblinking eye over the entire world. Stealth technology is living on borrowed time.

On top of all of that, quantum sensors—which use the bizarre properties of subatomic particles, such as their ability to be in two different places at once—will eventually be able detect disruptions in the environment, such as the displacement of air around aircraft or water around submarines. Quantum sensors will likely be the first usable application of quantum science, and this technology is still many years off. But once quantum sensors are fielded, there will be nowhere to hide.

The future of movement will also be characterized by a return of mass to the battlefield, after many decades in which the trend was moving in the opposite direction—toward an emphasis on quality over quantity—as technology is enabling more systems to get in motion and stay in motion in more places. Ubiquitous sensors will generate exponentially greater quantities of data, which in turn will drive both the development and the deployment of artificial intelligence. As machines become more autonomous, militaries will be able to field more of them in smaller sizes and at lower costs. New developments in power generation and storage and in hypersonic propulsion will allow these smaller systems to travel farther and faster than ever. Where once there was one destroyer, for example, the near future could see dozens of autonomous vessels that are similar to missile barges, ready to strike as targets emerge.

Technology will also transform how those systems remain in motion. Logistics—the ability to supply forces with food, fuel, and replacements—has traditionally been the limiting factor in war. But autonomous militaries will need less fuel and no food. Advanced manufacturing methods, such as 3-D printing, will reduce the need for vast, risky, and expensive military logistics networks by enabling the production of complicated goods at the point of demand quickly, cheaply, and easily.

In an even more profound change, space will emerge as its own domain of maneuver warfare. So far, the near impossibility of refueling spacecraft has largely limited them to orbiting the earth. But as it becomes feasible to not just refuel spacecraft midflight but also build and service satellites in space, process data in orbit, and capture resources and energy in space for use in space (for example, by using vast solar arrays or mining asteroids), space operations will become less dependent on earth. Spacecraft will be able to maneuver and fight, and the first orbital weapons could enter the battlefield. The technology to do much of this exists already.

THE MILITARIES OF TOMORROW

Technology will also radically alter how militaries shoot, both literally and figuratively. Cyberattacks, communication jamming, electronic warfare, and other attacks on a system’s software will become as important as those that target a system’s hardware, if not more so. The rate of fire, or how fast weapons can shoot, will accelerate rapidly thanks to new technologies such as lasers, high-powered microwaves, and other directed-energy weapons. But what will really increase the rate of fire are intelligent systems that will radically reduce the time between when targets can be identified and when they can be attacked. A harbinger of this much nastier future battlefield has played out in Ukraine since 2014, where Russia has shortened to mere minutes the time between when their spotter drones first detect Ukrainian forces and when their precision rocket artillery wipes those forces off the map.

The militaries of the future will also be able to shoot farther than those of today. Eventually, hypersonic munitions (weapons that travel at more than five times the speed of sound) and space-based weapons will be able to strike targets anywhere in the world nearly instantly. Militaries will be able to attack domains once assumed to be sanctuaries, such as space and logistics networks. There will be no rear areas or safe havens anymore. Swarms of autonomous systems will not only be able to find targets everywhere; they will also be able to shoot them accurately. The ability to have both quantity and quality in military systems will have devastating effects, especially as technology makes lethal payloads smaller.

Finally, the way militaries communicate will change drastically. Traditional communications networks—hub-and-spoke structures with vulnerable single points of failure—will not survive. Instead, technology will push vital communications functions to the edge of the network. Every autonomous system will be able to process and make sense of the information it gathers on its own, without relying on a command hub. This will enable the creation of radically distributed networks that are resilient and reconfigurable.

Technology is also inverting the current paradigm of command and control. Today, even a supposedly unmanned system requires dozens of people to operate it remotely, maintain it, and process the data it collects. But as systems become more autonomous, one person will be able to operate larger numbers of them single-handedly. The opening ceremonies of the 2018 Winter Olympics, in South Korea, offered a preview of this technology when 1,218 autonomous drones equipped with lights collaborated to form intricate pictures in the night sky over Pyeongchang. Now imagine similar autonomous systems being used, for example, to overwhelm an aircraft carrier and render it inoperable.

Further afield, other technologies will change military communications. Information networks based on 5G technology will be capable of moving vastly larger amounts of data at significantly faster speeds. Similarly, the same quantum science that will improve military sensors will transform communications and computing. Quantum computing—the ability to use the abnormal properties of subatomic particles to exponentially increase processing power—will make possible encryption methods that could be unbreakable, as well as give militaries the power to process volumes of data and solve classes of problems that exceed the capacity of classical computers. More incredible still, so-called brain-computer interface technology is already enabling human beings to control complicated systems, such as robotic prosthetics and even unmanned aircraft, with their neural signals. Put simply, it is becoming possible for a human operator to control multiple drones simply by thinking of what they want those systems to do.

Put together, all these technologies will displace decades-old, even centuries-old, assumptions about how militaries operate. The militaries that embrace and adapt to these technologies will dominate those that do not. In that regard, the U.S. military is in big trouble.

A LOSING GAME

Since the end of the **Cold War**, the United States' approach to **projecting military force** against regional powers has rested on a series of **assumptions** about how conflicts **will unfold**. The U.S. military assumes that its forces will be able to move **unimpeded** into forward positions and that it will be able to **commence hostilities** at a time of **its choosing**. It assumes that its forces will operate in **permissive environments**-that adversaries will be **unable to contest** its **freedom of movement** in any domain. It assumes that **any quantitative advantage** that an adversary may possess will be **overcome** by its own **superior ability** to **evade** detection, **penetrate** enemy defenses, and **strike targets**. And it assumes that U.S. forces will suffer **few losses** in combat.

These **assumptions** have led to a force built around relatively **small numbers** of **large**, **expensive**, and **hard-to-replace** systems that are optimized for moving undetected close to their targets, shooting a limited number of times but with extreme precision, and communicating with impunity. Think stealth aircraft flying right into downtown Belgrade or Baghdad. What's more, systems such as these depend on **communications**, **logistics**, and **satellite networks** that are almost **entirely defenseless**, because they were designed under the **premise** that no adversary would ever be able to **attack them.**

This military enterprise and its underlying suppositions are being called into question. For the past two decades, while the United States has focused on **fighting wars** in the **Middle East**, its competitors-especially **China**, but also **Russia**-have been dissecting its way of war and **developing** so-called anti-access/area-denial (or A2/AD) capabilities to **detect U.S. systems** in **every domain** and **overwhelm them** with large salvos of precision fire. Put simply, U.S. rivals are fielding **large quantities** of **multimillion-dollar weapons** to destroy the United States' **multibillion-dollar military** systems.

China has also begun work on **megaprojects** designed to **position it** as the **world leader** in **artificial intelligence** and other advanced technologies. This undertaking is not exclusively military in its focus, but every one of these **advanced-technology megaprojects** has **military applications** and benefits the **People's Liberation Army** under the doctrine of "**military-civil fusion**." Whereas the U.S. military still largely treats its data like engine exhaust-a **useless byproduct**-China is moving with **authoritarian zeal** to stockpile its data like **oil**, so that it can power the **autonomous** and **intelligent** military systems it sees as **critical** to **dominance** in **future warfare**.

The United States' position, **already dire**, is **rapidly deteriorating**. As a 2017 report from the rand Corporation concluded, "U.S. forces could, under plausible assumptions, lose the **next war** they are **called upon to fight**." That same year, General Joseph Dunford, chairman of the Joint Chiefs of Staff, sounded the alarm in stark terms: "In **just a few years**, if we do not **change** the **trajectory**, we will **lose** our qualitative and quantitative **competitive advantage**."

The **greatest danger** for the United States is the **erosion of conventional deterrence**. If leaders in **Beijing** or **Moscow** think that they might **win a war** against the United States, they will run **greater risks** and **press their advantage**. They will take actions that steadily undermine the United States' commitments to its allies by casting doubt on whether Washington would really send its military to defend the Baltics, the Philippines, Taiwan, or even Japan or South Korea. They will try to **get their way** through **any means necessary**, from coercive diplomacy and economic extortion to meddling in the domestic affairs of other countries. And they will steadily harden their **spheres of influence**, turning them into areas ever more **hospitable** to **authoritarian ideology**, **surveillance states**, and **crony capitalism**. In other words, they will try, as the military strategist Sun-tzu recommended, to "win without fighting."

#### SCENARIO TWO IS CYBER:

#### 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.

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

#### Goes 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

## Adv 1

#### Zero coherent alternative. Cat’s already out of the bag, even if they’re right in theory, the transition away will be devastating.

**Schuman 11** --- Writes about Asia and global economic issues as a correspondent for TIME in Beijing, China. In his 16 years as a journalist in Asia, he has reported from a dozen countries, including China, India, Japan and Indonesia

Michael, 2011, "Is the dominance of the dollar bad for America?," TIME, https://business.time.com/2011/04/15/is-the-dominance-of-the-dollar-bad-for-america/

This is all very interesting, but for me, Pettis’s argument raises two important questions. First, how does the U.S. actively work towards ending the global dominance of the U.S. dollar? Shaw details just how dominant the greenback is: more than 61% of official reserves are held in dollars; 85% of foreign exchange transactions are conducted in dollars; and 45% of all debt securities are dollar denominated. To reduce the dollar’s use in international trade and business, Washington would have to go out of its way to promote something else to take the dollar’s place. But what? There are no easy alternatives. Though the euro may eventually be a rival, it can’t be taken too seriously as long as the European debt crisis is still buzzing. The BRICS, in their summit this week, again promoted the IMF’s SDR as an alternative, stating in their final declaration that they “welcome the current discussion about the role of the SDR in the existing international monetary system.” But establishing the SDR as a serious contender would take a massive overhaul of the way business is conducted globally, since the private sector doesn’t use the SDR. So for now, the world is stuck with the dollar, and the U.S. is stuck with the world using the dollar.

And I’d be a bit more worried about the consequences to the U.S. economy of the dollar losing its No.1 position. Perhaps Pettis is correct, and the dominance of the dollar contributed to the build-up of American debt. But now that the U.S. has that debt, an end to dollar dominance could impose a very painful adjustment onto America. If the world demanded fewer dollars, and therefore fewer dollar assets, it would be harder to finance American consumption. That would force a faster deleveraging onto the American economy and American households. That may be just what the U.S. needs. But it may be extremely excruciating nonetheless.

#### Everyone holds dollar assets, everywhere---a decline would destroy the global economy.

**Zoffer 19**, Joshua, 11-27-2019, "Why the dollar doomsayers have it wrong," Financial Times, <https://www.ft.com/content/127c77a4-007d-11ea-be59-e49b2a136b8d>

Second, a consequence of the imperative of holding dollar assets is that many central banks have a lot of them. China and Japan each hold more than $1.1tn in US Treasuries, let alone other dollar assets.

A dramatic shift away from the dollar would imperil the value of these holdings, putting large holders in a Catch-22. Historically, this barrier has been overcome only when conditions are so dire — such as the shift from pound to dollar during the wars of the 20th century — that adding on the cost of a currency regime change will not make things much worse.

Third, the dollar’s outsized role in international trade, payments and banking means governments alone cannot decide its fate. Roughly half of world trade is invoiced and settled in dollars, and the proportion is especially high for crucial commodities such as oil. That dominance reflects, in part, the efficiency associated with using a single dominant currency. But it also reflects the centrality of American consumers in the global economy.

Finally, the benefits of a global currency can be provided only by strong institutions trusted by governments and private market participants alike. At the depths of the financial crisis, the US government and Federal Reserve used measures like emergency dollar swap lines to provide desperately needed liquidity to foreign banking markets.

#### World War 3---COVID means hotspots are unstable, waiting to escalate.

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David, “How COVID-19 Could Increase the Risk of War”, World Politics Review, 6/16/2020, https://www.worldpoliticsreview.com/articles/28843/how-covid-19-could-increase-the-risk-of-war

But that overlooked the ways in which the risk of interstate war was already rising before COVID-19 began to spread. Civil wars were becoming more numerous, lasting longer and attracting more outside involvement, with dangerous consequences for stability in many regions of the world. And the global dynamics most commonly cited to explain the falling incidence of interstate war—democracy, economic prosperity, international cooperation and others—were being upended.

If the spread of democracy kept the peace, then its global decline is unnerving. If globalization and economic interdependence kept the peace, then a looming global depression and the rise of nationalism and protectionism are disconcerting. If regional and global institutions kept the peace, then their degradation is unsettling. If the balance of nuclear weapons kept the peace, then growing risks of proliferation are disquieting. And if America’s preeminent power kept the peace, then its relative decline is troubling.

Now, the pandemic, or more specifically the world’s reaction to it, is revealing the extent to which the factors holding major wars in check are withering. The idea that war between nations is a relic of the past no longer seems so convincing.

The Pessimists Strike Back

More than any other individual, it was cognitive scientist Steven Pinker who popularized the idea that we are living in the most peaceful moment in human history. Starting with his 2011 bestseller, “The Better Angels of Our Nature: Why Violence Has Declined,” Pinker argued that the frequency, duration and lethality of wars between great powers have all decreased. In his 2019 book, “Enlightenment Now: The Case for Reason, Science, Humanism, and Progress,” he wrote that war “between the uniformed armies of two nation-states appears to be obsolescent. There have been no more than three in any year since 1945, none in most years since 1989, and none since the American-led invasion of Iraq in 2003.”

Optimists like Pinker held that, rather than the world falling apart, as a quick glance at headline news might suggest, the opposite was true: Humanity was flourishing. More regions are characterized by peace; fewer mass killings are occurring; governance and the rule of law are improving; and people are richer, healthier, better educated and happier than ever before.

In their book, “Clear and Present Safety: The World Has Never Been Better and Why That Matters to Americans,” Michael A. Cohen and Micah Zenko argued that the evidence is so overwhelming that it is difficult to argue against the idea that wars between great powers, and all other interstate wars, are becoming vanishingly rare. Even when wars do break out, they tend to be shorter and less deadly than they were in the past. John Mueller, a senior fellow at the Cato Institute, also reasoned that the idea of war, like slavery and dueling before it, was in terminal decline, while Joshua Goldstein, an international relations researcher at American University, credited the United Nations and the rise of peacekeeping operations for helping win the “war on war.”

But in recent years, a range of critics have begun to poke holes in these arguments. Tanisha M. Fazal, an international relations professor at the University of Minnesota, contends that the decline in war is overstated. Major advances in medicine, speedier evacuations of wounded soldiers from the field of battle and better armor have made war less fatal—but not necessarily less frequent. Fazal and Paul Poast, who is at the University of Chicago, further assert that the notion of war between great powers as a thing of the past is based on the assumption that all such conflicts resemble World War I and II—both are historical anomalies—and overlooks the actual wars fought between great powers since 1945, from the Korean War and the Vietnam War to proxy wars from Afghanistan to Ukraine. Meanwhile, Bear F. Braumoeller, an Ohio State political science professor, analyzed the same historical data on conflicts used by Pinker, Mueller and Goldstein, and found no general downward trend in either the initiation or deadliness of warfare over the past two centuries. What’s more, Braumoeller contends that the so-called “long peace”—the 75 years that have passed without systemic war since World War II—is far from invulnerable, and that wars are just as likely to escalate now as they used to be. Just because a major interstate war hasn’t happened for a long time, doesn’t mean it never will again. In all probability, it will.

And by focusing solely on interstate wars, the optimists miss half the story, at least. Wars between states have declined, but civil wars never disappeared—and these internal conflicts could easily escalate into regional or global wars.

The number of conflicts in the world reached its highest point since World War II in 2016, with 53 state-based armed conflicts in 37 countries. All but two of these conflicts were considered civil wars. To make matters worse, new studies have shown that civil wars are becoming longer, deadlier and harder to conclusively end, and that these internal conflicts are not really internal. Civil wars harm the economies and stability of neighboring countries, since armed groups, refugees, illicit goods and diseases all spill over borders. Some 10 million refugees have fled to other countries since 2012. The countries that now host them are more likely to experience war, which means states with huge refugee populations like Lebanon, Jordan and Turkey face legitimate security challenges. Even after the threat of violence has diminished in refugees’ countries of origin, return migration can reignite conflicts, repeating the brutal cycle.

A Yugoslav Federal Army tank.

Perhaps most importantly, recent research indicates that civil wars increase the risk of interstate war, in large part because they are attracting more and more outside involvement. In a 2008 paper, researchers Kristian Skrede Gleditsch, Idean Salehyan and Kenneth Schultz explained that, in addition to the spillover effects, two other factors in civil wars increase international tensions and could possibly provoke wider interstate wars: external interventions in support of rebel groups and regime attacks on insurgents across international borders.

Immediately after the Cold War, none of the ongoing civil wars around the world were internationalized. According to the Uppsala Conflict Data Program, there were 12 full-fledged civil wars in 1991—in Afghanistan, Iraq, Peru, Sri Lanka, Sudan, and elsewhere—and foreign militaries were not active on the ground in any of them. Last year, by contrast, every single full-fledged civil war involved external military participants. This is due, in part, to the huge growth in U.S. military interventions abroad into civil conflicts, but it’s not only the Americans. All of today’s major wars are in essence proxy wars, pitting external rivals against one another. Conflicts in Syria, Yemen and Libya are best understood not as civil wars, but as international warzones, attracting meddlers including the United States, Russia, Saudi Arabia, Turkey, Iran, France and many others, which often intervene not to build peace, but to resolve conflicts in a way that is favorable to their own interests. These internationalized wars are more lethal, harder to resolve and possibly more likely to recur than civil wars that remain localized. It is not that difficult to imagine how these conflicts could spark wider international conflagrations. Wars, after all, can quickly spiral out of control.

As Risks Increase, Deterrents Decline

To make matters worse, most of the global trends that explained why interstate war had decreased in recent decades are now reversing. The theories that democracy, prosperity, cooperation and other factors kept the peace have been much debated—but if there was any truth to them, their reversals are likely to increase the chance of war, irrespective of how long the coronavirus pandemic lasts.

Democracy is often considered a prophylactic for war. Fully democratic countries are less likely to experience civil war and rarely, if ever, go to war with other democracies—though, of course, they do still go to war against non-democracies. While this would be great news if democracy and pluralism were spreading, there have now been 14 consecutive years of global democratic decline, and there have been signs of additional authoritarian power grabs in countries like Hungary and Serbia during the pandemic. If democracy backslides far enough, internal conflicts and foreign aggression will become more likely.

Other theories posit that economic bonds between countries have limited wars in recent decades. Dale Copeland, a professor of international relations at the University of Virginia, has argued that countries work to preserve ties when there are high expectations for future trade, but war becomes increasingly possible when trade is predicted to fall. If globalization brought peace, the recent wave of far-right nationalism and populism around the world may increase the chances of war, as tariffs and other trade barriers go up—mostly from the United States under President Donald Trump, who has launched trade wars with allies and adversaries alike.

The coronavirus pandemic immediately elicited further calls to reduce dependence on other countries, with Trump using the opportunity to pressure U.S. companies to reconfigure their supply chains away from China. For its part, China made sure that it had the homemade supplies it needed to fight the virus before exporting extras, while countries like France and Germany barred the export of face masks, even to friendly nations. And widening economic inequalities, a consequence of the pandemic, are not likely to enhance support for free trade.

This assault on open trade and globalization is just one aspect of a decaying liberal international order, which, its proponents argue, has largely helped to preserve peace between nations since World War II. But that old order is almost gone, and in all likelihood isn’t coming back. The U.N. Security Council appears increasingly fragmented and dysfunctional. Even before Trump, the world’s most powerful country ratified fewer treaties per year under the Obama administration than at any time since 1945.

Trump’s presidency only harms multilateral cooperation further. He has backed out of the Paris Agreement on climate change, reneged on the Iran nuclear deal, picked fights with allies, questioned the value of NATO and defunded the World Health Organization in the middle of a global health crisis. Hyper-nationalism, rather than international collaboration, was the default response to the coronavirus outbreak in the U.S. and many other countries around the world.

It’s hard to see the U.S. reluctance to lead as anything other than a sign of its inevitable, if slow, decline. The country’s institutionalized inequalities and systemic racism have been laid bare in recent months, and it no longer looks like a beacon for others to follow. The global balance of power is changing. China is both keen to assert a greater leadership role within traditionally Western-led institutions and to challenge the existing regional order in Asia. Between a rising China, revanchist Russia and new global actors, including non-state groups, we may be heading toward an increasingly multipolar or nonpolar world, which could prove destabilizing in its own right.

Finally, the pacifying effect of nuclear weapons could be waning. While vast nuclear arsenals once compelled the United States and the Soviet Union to reach arms control agreements, old treaties are expiring and new talks are breaking down. Mistrust is growing, and the chance of an unwanted U.S.-Russia nuclear confrontation is arguably as high as it has been since the Cuban missile crisis.

The theory of nuclear peace may no longer hold if more countries are tempted to obtain their own nuclear deterrent. Trump’s decision to abandon the Iran nuclear deal, for one thing, has only increased the chance that Tehran will acquire nuclear weapons. It’s almost easy to forget that, just a few short months ago, the United States and Iran were one miscalculation or dumb mistake away from waging all-out war. And despite Trump’s efforts to negotiate nuclear disarmament with Kim Jong Un’s regime in Pyongyang, it is wishful thinking to believe North Korea will give up its nuclear weapons. At this point, negotiators can only realistically try to ensure that North Korea’s nuclear menace doesn’t get even more potent.

In other words, by turning inward, the United States is choosing to leave other countries to fend for themselves. The end result may be a less stable world with more nuclear actors.

If leaders are smart, they will take seriously the warning signs exposed by this global emergency and work to reverse the drift toward war.

If only one of these theories for peace were worsening, concerns would be easier to dismiss. But together, they are unsettling. While the world is not yet on the brink of World War III and no two countries are destined for war, the odds of avoiding future conflicts don’t look good.

The pandemic is already degrading democracies, harming economies and curtailing international cooperation, and it also seems to be fostering internal instability within states. Rachel Brown, Heather Hurlburt and Alexandra Stark argue that the coronavirus could in fact sow more civil conflict. If this proves accurate, the increase in civil wars is likely to lead to more external meddling, and these next proxy wars could soon precipitate all-out international conflicts if outsiders aren’t careful. With the usual deterrents to conflict declining around the world, major wars could soon return.

**Foreign interventionism is inevitable – facet of US foreign policy.**

**Dorfman 12**

Zach Dorfman, assistant editor of Ethics and International Affairs, the journal of the Carnegie Council, and co-editor of the Montreal Review, “What We Talk About When We Talk About Isolationism”, May 18, <http://dissentmagazine.org/online.php?id=605>

The rise of China notwithstanding, the United States remains the world’s sole superpower. Its military (and, to a considerable extent, political) hegemony extends not just over North America or even the Western hemisphere, but also Europe, large swaths of Asia, and Africa. Its interests are global; nothing is outside its potential sphere of influence. There are an estimated 660 to 900 American military bases in roughly forty countries worldwide, although figures on the matter are notoriously difficult to ascertain, largely because of subterfuge on the part of the military. According to official data there are active-duty U.S. military personnel in 148 countries, or over 75 percent of the world’s states. The United States checks Russian power in Europe and Chinese power in South Korea and Japan and Iranian power in Iraq, Afghanistan, and Turkey. In order to maintain a frigid peace between Israel and Egypt, the American government hands the former $2.7 billion in military aid every year, and the latter $1.3 billion. It also gives Pakistan more than $400 million dollars in military aid annually (not including counterinsurgency operations, which would drive the total far higher), Jordan roughly $200 million, and Colombia over $55 million.

U.S. long-term military commitments are also manifold. It is one of the five permanent members of the UN Security Council, the only institution legally permitted to sanction the use of force to combat “threats to international peace and security.” In 1949 the United States helped found NATO, the first peacetime military alliance extending beyond North and South America in U.S. history, which now has twenty-eight member states. The United States also has a trilateral defense treaty with Australia and New Zealand, and bilateral mutual defense treaties with Japan, Taiwan, the Philippines, and South Korea. It is this sort of reach that led Madeleine Albright to call the United States the sole “indispensible power” on the world stage.

**The idea that global military dominance and political hegemony is in the U.S. national interest—and the world’s interest—is generally taken for granted domestically. Opposition to it is limited to the libertarian Right and anti-imperialist Left, both groups on the margins of mainstream political discourse**. Today, American supremacy is **assumed rather than argued fo**r: in an age of tremendous political division, **it is a bipartisan first principle of foreign policy, a presupposition**. In this area at least, one wishes for a little less agreement.

In Promise and Peril: America at the Dawn of a Global Age, Christopher McKnight Nichols provides an erudite account of a period before such a consensus existed, when ideas about America’s role on the world stage were fundamentally contested. As this year’s presidential election approaches, each side will portray the difference between the candidates’ positions on foreign policy as immense. Revisiting Promise and Peril shows us just how narrow the American worldview has become, and how our public discourse has become narrower still.

Nichols focuses on the years between 1890 and 1940, during America’s initial ascent as a global power. He gives special attention to the formative debates surrounding the Spanish-American War, U.S. entry into the First World War, and potential U.S. membership in the League of Nations—debates that were constitutive of larger battles over the nature of American society and its fragile political institutions and freedoms. During this period, foreign and domestic policy were often linked as part of a cohesive political vision for the country. Nichols illustrates this through intellectual profiles of some of the period’s most influential figures, including senators Henry Cabot Lodge and William Borah, socialist leader Eugene Debs, philosopher and psychologist William James, journalist Randolph Bourne, and the peace activist Emily Balch. Each of them interpreted isolationism and internationalism in distinct ways, sometimes deploying the concepts more for rhetorical purposes than as cornerstones of a particular worldview.

Today, isolationism is often portrayed as **intellectually bankrupt**, a redoubt for idealists, nationalists, xenophobes, and fools. Yet the term now used as a political epithet has deep roots in American political culture. Isolationist principles can be traced back to George Washington’s farewell address, during which he urged his countrymen to steer clear of “foreign entanglements” while actively seeking nonbinding commercial ties. (Whether economic commitments do in fact entail political commitments is another matter.) Thomas Jefferson echoed this sentiment when he urged for “commerce with all nations, [and] alliance with none.” Even the Monroe Doctrine, in which the United States declared itself the regional hegemon and demanded noninterference from European states in the Western hemisphere, was often viewed as a means of isolating the United States from Europe and its messy alliance system.

In Nichols’s telling, however, modern isolationism was born from the debates surrounding the Spanish-American War and the U.S. annexation of the Philippines. Here isolationism began to take on a much more explicitly anti-imperialist bent. Progressive isolationists such as William James found U.S. policy in the Philippines—which it had “liberated” from Spanish rule just to fight a bloody counterinsurgency against Philippine nationalists—anathema to American democratic traditions and ideas about national self-determination.

As Promise and Peril shows, however, “cosmopolitan isolationists” like James never called for “cultural, economic, or complete political separation from the rest of the world.” Rather, they wanted the United States to engage with other nations peacefully and without pretensions of domination. They saw the United States as a potential force for good in the world, but they also placed great value on neutrality and non-entanglement, and wanted America to focus on creating a more just domestic order. James’s anti-imperialism was directly related to his fear of the effects of “bigness.” He argued forcefully against all concentrations of power, especially those between business, political, and military interests. He knew that such vested interests would grow larger and more difficult to control if America became an overseas empire.

Others, such as “isolationist imperialist” Henry Cabot Lodge, the powerful senator from Massachusetts, argued that fighting the Spanish-American War and annexing the Philippines were isolationist actions to their core. First, banishing the Spanish from the Caribbean comported with the Monroe Doctrine; second, adding colonies such as the Philippines would lead to greater economic growth without exposing the United States to the vicissitudes of outside trade. Prior to the Spanish-American War, many feared that the American economy’s rapid growth would lead to a surplus of domestic goods and cause an economic disaster. New markets needed to be opened, and the best way to do so was to dominate a given market—that is, a country—politically. Lodge’s defense of this “large policy” was public and, by today’s standards, quite bald. Other proponents of this policy included Teddy Roosevelt (who also believed that war was good for the national character) and a significant portion of the business class. For Lodge and Roosevelt, “isolationism” meant what is commonly referred to today as “unilateralism”: the ability for the United States to do what it wants, when it wants.

Other “isolationists” espoused principles that we would today call internationalist. Randolph Bourne, a precocious journalist working for the New Republic, passionately opposed American entry into the First World War, much to the detriment of his writing career. He argued that hypernationalism would cause lasting damage to the American social fabric. He was especially repulsed by wartime campaigns to Americanize immigrants. Bourne instead envisioned a “transnational America”: a place that, because of its distinct cultural and political traditions and ethnic diversity, could become an example to the rest of the world. Its respect for plurality at home could influence other countries by example, but also by allowing it to mediate international disputes without becoming a party to them. Bourne wanted an America fully engaged with the world, but not embroiled in military conflicts or alliances.

This was also the case for William Borah, the progressive Republican senator from Idaho. Borah was an agrarian populist and something of a Jeffersonian: he believed axiomatically in local democracy and rejected many forms of federal encroachment. He was opposed to extensive immigration, but not “anti-immigrant.” Borah thought that America was strengthened by its complex ethnic makeup and that an imbalance tilted toward one group or another would have deleterious effects. But it is his famously isolationist foreign policy views for which Borah is best known. As Nichols writes:

He was consistent in an anti-imperialist stance against U.S. domination abroad; yet he was ambivalent in cases involving what he saw as involving obvious national interest….He also without fail argued that any open-ended military alliances were to be avoided at all costs, while arguing that to minimize war abroad as well as conflict at home should always be a top priority for American politicians.

Borah thus cautiously supported entry into the First World War on national interest grounds, but also led a group of senators known as “the irreconcilables” in their successful effort to prevent U.S. entry into the League of Nations. His paramount concern was the collective security agreement in the organization’s charter: he would not assent to a treaty that stipulated that the United States would be obligated to intervene in wars between distant powers where the country had no serious interest at stake.

Borah possessed an alternative vision for a more just and pacific international order. Less than a decade after he helped scuttle American accession to the League, he helped pass the Kellogg-Briand Pact (1928) in a nearly unanimous Senate vote. More than sixty states eventually became party to the pact, which outlawed war between its signatories and required them to settle their disputes through peaceful means. Today, **realists sneer at** the **idealism** of Kellogg-Briand, but the Senate was aware of the pact’s limitations and carved out clear exceptions for cases of national defense. Some supporters believed that, if nothing else, the law would help strengthen an emerging international norm against war. (Given what followed, this seems like a sad exercise in wish-fulfillment.) Unlike the League of Nations charter, the treaty faced almost no opposition from the isolationist bloc in the Senate, since it did not require the United States to enter into a collective security agreement or abrogate its sovereignty. This was a kind of internationalism Borah and his irreconcilables could proudly support.

The United States today looks very different from the country in which Borah, let alone William James, lived, both domestically (where political and civil freedoms have been extended to women, African Americans, and gays and lesbians) and internationally (with its leading role in many global institutions). But different strains of isolationism persist. Newt Gingrich has argued for a policy of total “energy independence” (in other words, domestic drilling) while fulminating against President Obama for “bowing” to the Saudi king. While recently driving through an agricultural region of rural Colorado, I saw a giant roadside billboard calling for American withdrawal from the UN.

Yet in the last decade, the Republican Party, with the partial exception of its Ron Paul/libertarian faction, has veered into such a **belligerent unilateralism** that its graybeards—one of whom, Senator Richard Lugar of Indiana, just lost a primary to a far-right challenger partly because of his reasonableness on foreign affairs—were barely able to ensure Senate ratification of a key nuclear arms reduction treaty with Russia. Many of these same people desire a unilateral war with Iran.

And **it isn’t just Republicans**. Drone attacks have intensified in Yemen, Pakistan, and elsewhere under the Obama administration. Massive troop deployments continue unabated. We spend over $600 billion dollars a year on our military budget; the next largest is China’s, at “only” around $100 billion. **Administrations come and go, but the national security state appears here to stay**.

#### Only question if whether the U.S. uses escalatory military action OR economic coercion.

Satyajit Das 18, Former Banker Whose Latest Book is "A Banquet of Consequences." and Author of "Extreme Money" and "Traders, Guns & Money.", “US Dollar: How the US has Made a Weapon of the Dollar”, The Economic Times, 9/7/2018, https://economictimes.indiatimes.com/news/international/business/how-the-us-has-made-a-weapon-of-the-dollar/articleshow/65715068.cms?from=mdr

Convinced of an existential threat from competitors, America is weaponizing the dollar to preserve its global economic and geopolitical position.

While the U.S. accounts for about 20 percent of the world’s economic output, more than half of all global currency reserves and trade is in dollars. This is the result of the 1944 Bretton Woods agreement, the effect of which was enhanced when the link between the dollar and gold ended in the 1971 Nixon shock, allowing America to control the supply of the currency.

The dollar’s pivotal role — an “exorbitant privilege,” in the term coined by then French Finance Minister Valéry Giscard d'Estaing in 1965 — allows the U.S. easily to finance its trade and budget deficits. The nation is protected against balance-of-payments crises, because it imports and services borrowing in its own currency. American monetary policies, such as quantitative easing, can influence the value of the dollar to gain a competitive advantage.

But the real power of the dollar is its relationship with sanctions programs. Legislation such as the International Emergency Economic Powers Act, the Trading With the Enemy Act and the Patriot Act allow Washington to weaponize payment flows. The proposed Defending Elections From Threats by Establishing Redlines Act and the Defending American Security From Kremlin Aggression Act would extend that armory.

When combined with access it gained to data from Swift, the Society for Worldwide Interbank Financial Telecommunication’s global messaging system, the U.S. exerts unprecedented control over global economic activity.

Sanctions target persons, entities, organizations, a regime or an entire country. Secondary curbs restrict foreign corporations, financial institutions and individuals from doing business with sanctioned entities. Any dollar payment flowing through a U.S. bank or the American payments system provides the necessary nexus for the U.S. to prosecute the offender or act against its American assets.

This gives the nation extraterritorial reach over non-Americans trading with or financing a sanctioned party. The mere threat of prosecution can destabilize finances, trade and currency markets, effectively disrupting the activities of non-Americans.

The risk is real. BNP Paribas SA paid $9 billion in fines and was suspended from dollar clearing for one year for violating sanctions against Iran, Cuba and Sudan. HSBC Holdings Plc, Standard Chartered Plc, Commerzbank AG and Clearstream Banking SA have paid large fines for similar breaches.

Secondary sanctions made it difficult for United Co. Rusal to refinance dollar borrowings when global businesses, banks and exchanges were forced to stop dealing with the Russian company. Its bonds and shares plunged, even though the company sells only 14 percent of its products in the U.S., does not use American banks, and is listed in Moscow and Hong Kong. ZTE Corp., a Chinese electronics company, was hit hard by the inability to buy essential components from suppliers because of sanctions for trading with North Korea and Iran. In these cases, the entity was not in violation of laws where it was domiciled or operated, and the proscribed acts took place outside the U.S.

China, Russia and increasingly Europe want an alternative reserve currency system. The problem is that immediate replacement of the dollar is difficult.

First, the euro, the yen, the yuan and the ruble are not realistic options. The euro’s long-term future and stability isn’t assured, while Japan’s economy remains trapped in two decades of torpor. The Chinese and Russian political and economic systems lack transparency, and the yuan isn’t fully convertible.

Second, the required change in infrastructure is daunting. Foreign-exchange markets where the dollar is the currency of reference would have to be fundamentally restructured. Deep and liquid money markets to support a reserve currency can’t be conjured up overnight.

Third, most candidates are reluctant to take on the role of a global reserve currency because of tensions between national and global economy policy. The economist Robert Triffin pointed out that the country whose medium of exchange is the global reserve currency must meet external demand for foreign exchange. This necessitates running large trade deficits, requiring fundamental changes in the mercantilist policies of Germany, Japan and China.

This means that the U.S. can continue to use the dollar to help further its trade, financial and geopolitical aims, largely outside the strictures of international laws and institutions and without the need for messy, unpredictable military campaigns. As John Connally Jr., Richard Nixon’s Treasury secretary, put it in 1971: The dollar is “our currency, but your problem.”

## Adv 2

**US hegemony sustainable, but not inevitable---US military deterrence is necessary to prevent wars**

Brands 17

Hal Brands, a Henry A. Kissinger Distinguished Professor of Global Affairs at Johns Hopkins University’s School of Advanced International Studies, Eric Edelman, a counselor at the Center for Strategic and Budgetary Assessments and was formerly an undersecretary of defense for policy, “The Crisis of American Military Primacy and the Search for Strategic Solvency,” Parameters, Winter 2016-17

As the principal objections to increasing defense resources fall away, the advantages and logic become clearer. This approach recognizes, for instance, how beneficial US military primacy has been in shaping a relatively stable, prosperous, and congenial international order, and it makes the investments necessary to sustain as much of this order as possible. This approach provides the United States with greater ability to meet aggression from a range of enemies and rivals without resorting to dangerously escalatory strategies in the most operationally demanding scenarios. As a result, this approach is arguably best suited to avoid the use of force over the long term, by averting situations in which American adversaries from Iran and North Korea to Russia and China think aggression might pay. “Peace through strength” is not a meaningless catchphrase; it is good strategy. Closing the capabilities-commitments gap by dramatically increasing the former therefore represents the best available approach.

VIII

“Without superior aggregate military strength, in being and readily mobilizable, a policy of ‘containment’ . . . is no more than a policy of bluff.”55 This admonition, written by the authors of NSC-68 in 1950, reflected a dawning realization that insufficient military power endangered America’s global commitments. The United States faces another crisis of strategic solvency today as gathering international threats combine with dwindling military resources to leave the American superpower in an increasingly overextended and perilous state.

America thus confronts a stark choice about how to proceed. Of the options considered here, the best approach is to find the resources necessary to bring American forces back into line with the grand strateg y they are meant to support. Undertaking a sustained, major military buildup will not be cheap, but is not unaffordable for a wealthy superpower that has benefitted so much from military primacy and its geopolitical ben- efits. Indeed, the fundamental question regarding whether America can undertake this course is not an economic one. It is whether the country will politically prioritize the investments needed to sustain its primacy or allow itself to slip further into strategic insolvency with all the associated dangers for the United States and global order.

#### Yes transition wars---deterring revisionist China is key

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Robert Kagan, “Backing Into World War III,” *Foreign Policy* (blog), February 6, 2017, <https://foreignpolicy.com/2017/02/06/backing-into-world-war-iii-russia-china-trump-obama/>.

Think of two significant trend lines in the world today. One is the increasing ambition and activism of the two great revisionist powers, Russia and China. The other is the declining confidence, capacity, and will of the democratic world, and especially of the United States, to maintain the dominant position it has held in the international system since 1945. As those two lines move closer, as the declining will and capacity of the United States and its allies to maintain the present world order meet the increasing desire and capacity of the revisionist powers to change it, we will reach the moment at which the existing order collapses and the world descends into a phase of brutal anarchy, as it has three times in the past two centuries. The cost of that descent, in lives and treasure, in lost freedoms and lost hope, will be staggering.

Americans tend to take the fundamental stability of the international order for granted, even while complaining about the burden the United States carries in preserving that stability. History shows that world orders do collapse, however, and when they do it is often unexpected, rapid, and violent. The late 18th century was the high point of the Enlightenment in Europe, before the continent fell suddenly into the abyss of the Napoleonic Wars. In the first decade of the 20th century, the world’s smartest minds predicted an end to great-power conflict as revolutions in communication and transportation knit economies and people closer together. The most devastating war in history came four years later. The apparent calm of the postwar 1920s became the crisis-ridden 1930s and then another world war. Where exactly we are in this classic scenario today, how close the trend lines are to that intersection point is, as always, impossible to know. Are we three years away from a global crisis, or 15? That we are somewhere on that path, however, is unmistakable.

And while it is too soon to know what effect Donald Trump’s presidency will have on these trends, early signs suggest that the new administration is more likely to hasten us toward crisis than slow or reverse these trends. The further accommodation of Russia can only embolden Vladimir Putin, and the tough talk with China will likely lead Beijing to test the new administration’s resolve militarily. Whether the president is ready for such a confrontation is entirely unclear. For the moment, he seems not to have thought much about the future ramifications of his rhetoric and his actions.

China and Russia are classic revisionist powers. Although both have never enjoyed greater security from foreign powers than they do today — Russia from its traditional enemies to the west, China from its traditional enemy in the east — they are dissatisfied with the current global configuration of power. Both seek to restore the hegemonic dominance they once enjoyed in their respective regions. For China, that means dominance of East Asia, with countries like Japan, South Korea, and the nations of Southeast Asia both acquiescing to Beijing’s will and acting in conformity with China’s strategic, economic, and political preferences. That includes American influence withdrawn to the eastern Pacific, behind the Hawaiian Islands. For Russia, it means hegemonic influence in Central and Eastern Europe and Central Asia, which Moscow has traditionally regarded as either part of its empire or part of its sphere of influence. Both Beijing and Moscow seek to redress what they regard as an unfair distribution of power, influence, and honor in the U.S.-led postwar global order. As autocracies, both feel threatened by the dominant democratic powers in the international system and by the democracies on their borders. Both regard the United States as the principal obstacle to their ambitions, and therefore both seek to weaken the American-led international security order that stands in the way of their achieving what they regard as their rightful destinies.

#### All of their assumptions are wrong

Brands ’17 - Henry A. Kissinger Distinguished Professor of Global Affairs at the Johns Hopkins School of Advanced International Studies, and Senior Fellow at the Center for Strategic and Budgetary Assessments

Hal Brands and Peter Feaver is American professor of political science and public policy at Duke University, “Saving Realism from the So-Called Realists,” Commentary, August 2017, http://halbrands.org/wp-content/uploads/2017/08/Saving-Realism.pdf.

Realism as Retrenchment

Consider the state of academic realism. Today’s most prominent self-identified realists—Stephen Walt, John Mearsheimer, Barry Posen, and Christopher Layne—advocate a thoroughgoing U.S. retrenchment from global affairs. Whereas Cold War realists were willing to see the world as it was—a world that required unequal burden-sharing and an unprecedented, sustained American commitment to preserve international stability—academic realists now engage in precisely the wishful thinking that earlier realists deplored. They assume that the international order can essentially regulate itself and that America will not be threatened by—and can even profit from—a more unsettled world. They thus favor discarding the policies that have proven so successful over the decades in providing a congenial international climate.

Why has academic realism gone astray? If the Cold War brokered the marriage between realists and American global engagement, the end of the Cold War precipitated a divorce. Following the fall of the Soviet Union, U.S. policymakers continued to pursue an ambitious global agenda based on preserving and deepening both America’s geopolitical advantage and the liberal international order. For many realists, however, the end of the Cold War removed the extraordinary threat—an expansionist USSR—that had led them to support such an agenda in the first place. Academic realists argued that the humanitarian interventions of the 1990s (primarily in the former Yugoslavia) reflected capriciousness rather than a prudent effort to deal with sources of instability. Similarly, they saw key policy initiatives—especially NATO enlargement and the Iraq war of 2003—as evidence that Washington was no longer behaving with moderation and was itself becoming a destabilizing force in global affairs.

These critiques were overstated, but not wholly without merit. The invasion and occupation of Iraq did prove far costlier than expected, as the academic realists had indeed warned. NATO expansion—even as it successfully promoted stability and liberal reform in Eastern Europe—did take a toll on U.S.–Russia relations. Having lost policy arguments that they thought they should have won, academic realists decided to throw the baby out with the bathwater, calling for a radical reformulation of America’s broader grand strategy.

The realists’ preferred strategy has various names—“offshore balancing,” “restraint,” etc.—but the key components and expectations are consistent. Most academic realists argue that the United States should pare back or eliminate its military alliances and overseas troop deployments, going back “onshore” only if a hostile power is poised to dominate a key overseas region. They call on Washington to forgo costly nation-building and counterinsurgency missions overseas and to downgrade if not abandon the promotion of democracy and human rights.

Academic realists argue that this approach will force local actors in Europe, the Middle East, and East Asia to assume greater responsibility for their own security, and that the United States can manipulate—through diplomacy, arms sales, and covert action—the resulting rivalries and conflicts to prevent any single power from dominating a key region and thereby threatening the United States. Should these calculations prove faulty and a hostile power be poised to dominate, Washington can easily swoop in to set things aright, as it did during the world wars. Finally, if even this calculation were to prove faulty, realists argue that America can ride out the danger posed by a regional hegemon because the Atlantic and Pacific Oceans and America’s nuclear deterrent provide geopolitical immunity against existential threats.

Today’s academic realists portray this approach as hard-headed, economical strategy. But in reality, it represents a stark departure from classical American realism. During the Cold War, leading realists placed importance on preserving international stability and heeded the fundamental lesson of World Wars I and II—that the United States, by dint of its power and geography, was the only actor that could anchor international arrangements. Today’s academic realists essentially argue that the United States should dismantle the global architecture that has undergirded the international order—and that Washington can survive and even thrive amid the ensuing disorder. Cold War realists helped erect the pillars of a peaceful and prosperous world. Contemporary academic realists advocate tearing down those pillars and seeing what happens.

The answer is “nothing good.” Contemporary academic realists sit atop a pyramid of faulty assumptions. They assume that one can remove the buttresses of the international system without that system collapsing, and that geopolitical burdens laid down by America will be picked up effectively by others. They assume that the United States does not need the enduring relationships that its alliances have fostered, and that it can obtain any cooperation it needs via purely transactional interactions. They assume that a world in which the United States ceases to promote liberal values will not be a world less congenial to America’s geopolitical interests. They assume that revisionist states will be mollified rather than emboldened by an American withdrawal, and that the transition from U.S. leadership to another global system will not unleash widespread conflict. Finally, they assume that if such upheaval does erupt, the United States can deftly manage and even profit from it, and that America can quickly move to restore stability at a reasonable cost should it become necessary to do so.

The founding generation of American realists had learned not to indulge in wishfully thinking that the international order would create or sustain itself, or that the costs of responding to rampant international disorder would be trivial. Today’s academic realists, by contrast, would stake everything on a leap into the unknown.

For many years, neither Democratic nor Republican policymakers were willing to make such a leap. Now, however, the Trump administration appears inclined to embrace its own version of foreignpolicy realism, one that bears many similarities to—and contains many of the same liabilities as—the academic variant. One of the least academic presidents in American history may, ironically, be buying into some of the most misguided doctrines of the ivory tower.

**Unipolarity is the most stable system**

**Wohlforth 09**

William, Daniel Webster Professor of Government at Dartmouth, Daniel Webster Professor of Government B.A., International Relations, Beloit College M.A., International Relations, Yale University M.Phil., Ph.D., Political Science, Yale University, “UNIPOLARITY, STATUS COMPETITION, AND GREAT POWER WAR,” <http://www.polisci.wisc.edu/Uploads/Documents/IRC/Wohlforth%20(2009).pdf>, AM

The upshot is a near scholarly consensus that unpolarity’s consequences for great power conflict are indeterminate and that a power shift resulting in a return to bipolarity or multipolarity **will not** raise the specter of great power war. This article questions the consensus on two counts. First, I show that it depends **crucially** on a **dubious assumption about human motivation.** Prominent theories of war are based on the assumption that people are mainly motivated by the instrumental pursuit of tangible ends such as physical security and material prosperity. This is why such theories seem irrelevant to interactions among great powers in an international environment that diminishes the utility of war for the pursuit of such ends. Yet we know that people are motivated by a great many noninstrumental motives, **not least by** concerns regarding **their** **social status**. 3 As John Harsanyi noted, “Apart from economic payoffs, social status (social rank) **seems to be the most important incentive and motivating force of social behavior**.”4 This proposition rests on much **firm**er **scientific** **ground** now than when Harsanyi expressed it a generation ago, as cumulating research shows that humans appear to be hardwired for sensitivity to status and that relative standing is a **powerful** **and independent motivator of behavior**.5 Second, I question the dominant view that status quo evaluations are relatively independent of the distribution of capabilities. If the status of states depends in some measure on their relative capabilities, and if states derive utility from status, then different distributions of capabilities may affect levels of satisfaction, just as different income distributions may affect levels of status competition in domestic settings. 6 Building on research in **psychology and sociology**, I argue that **even** **capabilities** **distributions** among major powers foster ambiguous status hierarchies, which generate more dissatisfaction and clashes over the status quo. And the more stratified the distribution of capabilities, **the less likely such status competition is.** Unipolarity thus generates **far fewer** **incentives** than either bipolarity or multipolarity for direct great power positional competition over status. Elites in the other major powers continue to prefer higher status, **but in a unipolar system** they face comparatively weak incentives to translate that **preference** **into** costly **action**. And the absence of such incentives **matters** because social status is a positional good—something whose value depends on how much one has in relation to others.7 “If everyone has high status,” Randall Schweller notes, “no one does.”8 While one actor might increase its status, all cannot simultaneously do so. High status is thus inherently scarce, and competitions for status tend to be **zero sum**.9 I begin by describing the puzzles facing predominant theories that status competition might solve. Building on recent research on social identity and status seeking, I then show that under certain conditions the ways decision makers identify with the states they represent may prompt them to frame issues as positional disputes over **status** **in a social hierarchy**. I develop hypotheses that tailor this scholarship to the domain of great power politics, showing how the probability of status competition is likely to be **linked to polarity**. The rest of the article investigates whether there is sufficient evidence for these hypotheses to warrant further refinement and testing. I pursue this in three ways: by showing that the theory advanced here is consistent with what we know about large-scale patterns of great power conflict **through history**; by demonstrating that the causal mechanisms it identifies **did drive** relatively **secure major powers to military conflict** in the past (and therefore that they might do so again if the world were bipolar or multipolar); and by showing that observable evidence concerning the major powers’ identity politics and grand strategies under unipolarity are **consistent** with the theory’s expectations.

**US power projection is key to global cooperation—that solves every impact**

**Ochmanek 15** [David Ochmanek (Senior Defense Analyst at the RAND Corporation), Sustaining U.S. Leadership in the Asia-Pacific Region: Why a Strategy of Direct Defense Against Antiaccess and Area Denial Threats Is Desirable and Feasible, 2015, http://www.rand.org/pubs/perspectives/PE142.html]

The outcome of that debate and the extent to which the United States and its leading security partners will be able to develop capabilities and concepts adequate to the challenge will be critical factors shaping future dynamics in the international system. This perspective is intended as a contribution to this debate. It does not offer definitive answers to the question of precisely what capabilities and concepts the U.S. Department of Defense (DoD) should pursue. Answering such questions in detail will likely be the central preoccupation of the U.S. defense establishment for the next decade or so. But enough analysis has been done to allow us to point with confidence both to a potentially effective and feasible overall military approach to the challenge—an approach called direct defense—and to the general sorts of operational concepts and supporting capabilities that will be called for to enable that approach.

Direct defense is predicated on the belief that the most credible way to **assure partners and deter aggression** is to confront potential aggressors with the prospect of failure should they seek to advance their objectives through force of arms. Direct defense requires that the United States and its allies and partners together field military capabilities sufficient to engage and damage or destroy attacking forces (combat aircraft, ships, missiles, land forces) and the assets (bases, command-and-control facilities, air defenses) that directly support them. Such an approach can enable the United States to sustain its role as the security partner of choice for many of the world’s most important states—a role that has served the United States well since its entry into World War II.

This perspective addresses four aspects of the issue: • the stakes associated with America’s ability to sustain an overall national security strategy of international engagement and leadership • military trends that could affect the viability of that strategy, with a focus on the emergence of adversaries that are mastering capabilities loosely grouped under the term antiaccess and area denial (A2/AD) • contending strategies that have been proposed in response to these trends • an integrated set of military capabilities to pursue in support of a continued strategy of engagement and leadership.

The Strategic Context and Stakes

One of the fundamental premises of U.S. national security strategy since the end of the Cold War and, indeed, since World War II has been that, in an increasingly interdependent world, the government of the United States cannot hope to achieve its objectives without the ability to influence actors and shape events beyond its borders. Whether the goal is to protect U.S. citizens against **terrorist attacks**, contain the **spread of** **w**eapons of **m**ass **d**estruction, ensure fairness in **international commerce** and access to the global commons, or **protect the environment**, meaningful and lasting progress will require cooperation among an increasingly broad set of actors— nation states, official and unofficial multinational organizations, and private enterprises. In such an environment, any successful strategy will, perforce, focus on **building and sustaining coalitions** that can address common challenges.

For the past 70 years, the United States has uniquely possessed the ability to deploy large-scale military forces over intercontinental distances and conduct sustained, complex operations across a wide range of mission sets. This capability for power projection to deter and defeat aggression has been fundamental to U.S. security and to the security and well-being of our allies and partners, allowing the United States to offset major imbalances of power in Eurasia and elsewhere. Along with America’s economic prowess, vigorous diplomacy, and the attractiveness of its society and model of governance, its **power-projection capabilities** have allowed the United States to play the leading role among states with democratically elected governments. America’s status as a leader and security partner of choice for so many other states has conferred benefits on issues **across the nation’s policy agenda**. Without the ability to deter and defeat large-scale aggression in regions of importance to U.S. security, **U.S. power and influence would wane**. Maintaining the ability to influence affairs in the dynamic Asia-Pacific region is particularly important, which is why the Obama administration launched its “rebalance” initiative in 2012.

Since the end of the Cold War, U.S. forces have enjoyed a rare, if not **unprecedented**, degree of **superiority** over the forces of adversary states. As they demonstrated against the forces of Iraq (twice), Serbia, and other states against which they have fought when sent into conflict, U.S. forces have been able to quickly seize the initiative, dominate the battle space in **all domains**—air, sea, land, space, and cyberspace—and achieve campaign objectives with dispatch. This has helped U.S. policymakers **deter aggression** and **underwrite stability** in key regions.

**Key to global coop – extinction**

**Keck 14**

Zachary Keck is Managing Editor of The Diplomat, The Diplomat, January 24, 2014, “America’s Relative Decline: Should We Panic?”, http://thediplomat.com/2014/01/americas-relative-decline-should-we-panic/

Regardless of your opinion on U.S. global leadership over the last two decades, however, there is good reason to fear its relative decline compared with China and other emerging nations. To begin with, hegemonic transition periods have historically been the most destabilizing eras in history. This is not only because of the malign intentions of the rising and established power(s). Even if all the parties have benign, peaceful intentions, the rise of new global powers necessitates **revisions to the “rules** of the road.” This is **nearly impossible** to do in any organized fashion given the anarchic nature of the international system, where there is no central authority that can govern interactions between states.

We are already starting to see the potential dangers of hegemonic transition periods in the Asia-Pacific (and arguably the Middle East). As China grows more economically and militarily powerful, it has unsurprisingly sought to expand its influence in East Asia. This necessarily has to come at the expense of other powers, which so far has primarily meant the U.S., Japan, Vietnam and the Philippines. Naturally, these powers have sought to resist Chinese encroachments on their territory and influence, and the situation **grows more tense** with each passing day. Should China eventually emerge as a global power, or should nations in other regions enjoy a similar rise as Kenny suggests, this situation will play itself out elsewhere in the years and decades ahead.

All of this highlights some of the advantages of a unipolar system. Namely, although the U.S. has asserted military force quite frequently in the post-Cold War era, it has only fought weak powers and thus its wars have been **fairly limited** in terms of the number of casualties involved. At the same time, America’s preponderance of power has prevented a **great power war**, and even restrained major **regional powers from coming to blows.** For instance, the past 25 years haven’t seen any conflicts on par with the Israeli-Arab or Iran-Iraq wars of the Cold War. As the unipolar era comes to a close, the possibility of great power conflict and especially major regional wars rises dramatically. The world will also have to contend with conventionally inferior powers like Japan acquiring nuclear weapons to protect their interests against their newly empowered rivals.

But even if the transitions caused by China’s and potentially other nations’ rises are managed successfully, there are still likely to be significant negative effects on international relations. In today’s “globalized” world, it is commonly asserted that many of the defining challenges of our era can only be solved through multilateral cooperation. Examples of this include **climate change**, **health pandemics**, organized crime and **terrorism**, **global financial crises**, and the **proliferation of weapons of mass destruction**, among many others.

A unipolar system, for all its limitations, is **uniquely suited** for organizing effective **global action** on these transnational issues. This is because there is a clear global leader who can take the initiative and, to some degree, compel others to fall in line. In addition, the unipole’s preponderance of power **lessens the intensity of competition** among the global players involved. Thus, while there are no shortages of complaints about the limitations of global governance today, there is no question that global governance has been many times more effective in the last 25 years than it was during the Cold War.

#### China and Russia will use AI to deny U.S. power projection and fracture the global order

Garamone 20 – Reporter - United States Department of Defense.

Jim Garamone, September 9 2020, “Esper Says Artificial Intelligence Will Change the Battlefield,” U.S. Department of Defense, https://www.defense.gov/Explore/News/Article/Article/2340972/esper-says-artificial-intelligence-will-change-the-battlefield/

Artificial intelligence has the potential to change the battlefield, and the country that's first to field it will have enormous advantages over competitors, he told participants today.

"History informs us that those who are first to harness once-in-a-generation technologies often have a decisive advantage on the battlefield for years to come," the secretary said. "I experienced this firsthand during Operation Desert Storm, when the United States' military's smart bombs, stealth aircraft and satellite-enabled GPS helped decimate Iraqi forces and their Soviet equipment."

Artificial intelligence has the potential to be even more far-reaching than those technologies. "Unlike advanced munitions or next-generation platforms, artificial intelligence is in a league of its own, with the potential to transform nearly every aspect of the battlefield, from the back office to the front lines," he said. "That is why we cannot afford to cede the high ground to revisionist powers intent on bending, breaking or reshaping international rules and norms in their favor — to the collective detriment of others."

Esper noted that Russian President Vladimir Putin said the nation that leads in AI will be the "ruler of the world," and Russia has increased investments in the technology. "His intent is to employ any possible advantage to expand Russia's influence and chip away at the sovereignty of others," Esper said.

The Russians used a sophisticated and well-coordinated combination of unmanned aerial vehicles, cyberattacks, and artillery barrages to inflict severe damage on Ukrainian forces when they invaded that country. "Since then, Moscow has announced the development of AI-enabled autonomous systems across ground vehicles, aircraft, nuclear submarines and command and control," he said. "We expect them to deploy these capabilities in future combat zones."

 These principles make clear to the American people — and the world — that the United States will once again lead the way in the responsible development and application of emerging technologies, reinforcing our role as the global security partner of choice."

Defense Secretary Dr. Mark T. Esper

The Chinese Communist Party has a goal of being the AI world leader in 10 years. The People's Liberation Army sees AI as a leap-frog technology that will allow the largest military on Earth to field low-cost, long-range autonomous vehicles and systems to counter America's conventional power projection. "At this moment, Chinese weapons manufacturers are selling autonomous drones they claim can conduct lethal, targeted strikes," the secretary said. "Meanwhile, the Chinese government is advancing the development of next-generation stealth UAVs [unmanned aerial vehicle], which they are preparing to export internationally."

"Beijing is constructing a 21st-century surveillance state designed to wield unprecedented control over its own people," Esper said. "With hundreds of millions of cameras strategically located across the country and billions of data points generated by the Chinese Internet of Things, the CCP will soon be able to identify almost anyone entering a public space, and censor dissent in real time."

The Chinese system can be used to invade private lives, leaving no text message, internet search, purchase or personal activity free from Beijing's ever tightening grip, the secretary said. "As we speak, the PRC is deploying — and honing — its AI surveillance apparatus to support the targeted repression of its Muslim Uighur population," he said. "Likewise, pro-democracy protesters in Hong Kong are being identified, seized, imprisoned or worse by the CCP's digital police state — unencumbered by privacy laws or ethical governing principles. As China scales this technology, we fully expect it to sell these capabilities abroad, enabling other autocratic governments to move toward a new era of digital authoritarianism."

The U.S. is pioneering a vision for the emerging technology that protects the U.S. Constitution and the rights of all Americans. U.S. officials would like to see allies and partners adopt the standards of individual liberty, democracy, human rights and respect for the rule of law.

"We approach AI as we have other high-tech breakthroughs throughout our department's history — with rigorous standards for testing and fielding capabilities and the highest ethical expectations," Esper said. "Technology may constantly change, but our commitment to our core values does not."

Earlier this year, DOD adopted ethical principles for the use of AI-based on core values, such as transparency, reliability and governability. "These principles make clear to the American people — and the world — that the United States will once again lead the way in the responsible development and application of emerging technologies, reinforcing our role as the global security partner of choice," he said.

Esper touted the work of the Joint Artificial Intelligence Center saying its more than 200 civil service and military professionals work diligently to accelerate AI solutions and deliver these capabilities to the warfighter.

The JAIC helps the joint force organize, fight and win at machine speed. For example, AI helps in enhancing wildfire and flood responses through computer vision technology. "The JAIC is utilizing every aspect of artificial intelligence as a transformative instrument at home and abroad," he said. "The JAIC is also lowering technical barriers to AI adoption by building a cloud-based platform to allow DOD components to test, validate and field capabilities with greater speed, at greater scale. The goal is to make AI tools and data accessible across the force, which will help synchronize projects and reduce redundancy, among many other benefits."

#### International pressure solves secession

Mead 13

Walter Russell Mead is the James Clarke Chace Professor of Foreign Affairs and Humanities at Bard College and Editor-at-Large of The American Interest, The American Interest, March 3, 2013, "Scotland Gets A Lawyer, But The Case Is Still Weak", http://www.the-american-interest.com/blog/2013/03/03/scotland-gets-legal-help-in-secession-bid/

Scheffer paints a very pretty picture, but Scots should remember that these questions will not be decided by legal briefs. They will be decided by votes and procedural moves in international organizations whose members (national governments) are as a group pretty much rigidly and bitterly hostile to secessionist movements of all kinds.

African governments are petrified that independence movements would break them up along tribal or regional lines, and would be likely to oppose similar actions elsewhere in the world. In Europe, the Scots can be 100 percent certain that governments like Spain will throw every possible spanner in the works to demonstrate to Catalans and Basques that secession is a painful ordeal rather than a stroll in the park. Even the Canadians would be tempted to quietly work against the Scots as a way of reminding Quebec that secession has risks and costs.

Turks, Iraqis, Iranians and Syrians don’t want the Kurds to think secession is easy. The Kremlin hates the thought that Chechnyans and others would think they can escape Mother Russia’s warm embrace. China doesn’t want Tibet to get any encouragement whatever. Everywhere an independent Scotland looks it will find powers great and small quietly but effectively working to put obstacles in its path and to interpret international rules in ways that make Scotland’s path as difficult as possible.

International law is a complex field and you can find lawyers who will take any position under the sun, but there are few things more certain than the resolve of most sovereign states to interpret international law in ways that make it harder for secessionist forces to break up existing states.

#### They are wrong about the US order---palestine proves that self determination is weighed bellowed territorial disputes and security disputes

## 2AC

### 2AC---T-Courts

#### “Expand the scope” requires modifying the applicability the antitrust

Kovacic et al. 03 – Professor at George Washington University Law School

William E. Kovacic, Theodore B. Olson, R. Hewitt Pate, Paul D. Clement, Jeffrey A. Lamken, Catherine G. O’Sullivan, Nancy C. Garrison, David Seidman, Brief for the United States and the Federal Trade Commission as Amici Curiae Supporting Petitioner, Verizon Communs. Inc. v. Law Offices of Curtis v. Trinko, 2003 U.S. S. Ct. Briefs LEXIS 513, Supreme Court of the United States, May 2003, LexisNexis

Conversely, the 1996 Act does not expand the scope of the antitrust laws to outlaw conduct that, but for the 1996 Act, would not violate the antitrust laws. Such an expansion of Sherman Act duties would "modify \* \* \* the applicability of \* \* \* the antitrust laws" in contravention of 47 U.S.C. 152 note. Violations of the duties imposed by the 1996 Act are just that--violations of the 1996 Act, subject to the sanctions and penalties imposed by that Act. They do not automatically amount to treble-damages antitrust claims. The courts of appeals are again in accord. Pet. App. 29a; Covad, 299 F.3d at 1283 ("We agree with Goldwasser that merely pleading violations of the 1996 Act alone will not suffice to plead Sherman Act violations."); Goldwasser, 222 F.3d at 400 (It is "both illogical and undesirable to equate a failure to comply with the 1996 Act with a failure to comply with the antitrust laws."); Cavalier Tel. Co., 2003 WL 21153305, at \*11-\*12 (similar).

#### Courts do that---it’s their sole role.

**Quinn 11** --- Patent attorney and a leading commentator on patent law and innovation policy. Mr. Quinn has twice been named one of the top 50 most influential people in IP by Managing IP Magazine, in both 2014 and 2019.

Gene, 11-17-2011, "Antitrust Law Basics: A Primer on Patent and Copyright Misuse," IPWatchdog, https://www.ipwatchdog.com/2011/11/17/antitrust-law-basics-a-primer-on-patent-and-copyright-misuse/id=20458/

The antitrust laws, which can be found at 15 U.S.C. § 1 et seq, apply to virtually all industries and to every level of business, including manufacturing, transportation, distribution, and marketing. They prohibit a variety of practices that restrain trade, such as price-fixing conspiracies, corporate mergers likely to reduce the competitive vigor of particular markets, and predatory acts designed to achieve or maintain monopoly power.

The historic goal of the antitrust laws is to protect economic freedom and opportunity by promoting competition in the marketplace. Competition in a free-market benefits American consumers through lower prices, better quality and greater choice. Competition provides businesses the opportunity to compete on price and quality, in an open market and on a level playing field, unhampered by anticompetitive restraints. Competition also tests and hardens American companies at home, the better to succeed abroad.

The Sherman Antitrust Act, the first of the major antitrust laws, makes illegal every contract, combination, or conspiracy, in the restraint of trade. Unfortunately, Antitrust Law is not so simple as a cursory reading of the statue would otherwise suggest.

One problem presented by the language of §1 of the Sherman Act is that it cannot mean what it says. The statute says that “every” contract that restrains trade is unlawful. But, as Justice Brandeis perceptively noted, restraint is the very essence of every contract; read literally, §1 would outlaw the entire body of private contract law. Yet it is that body of law that establishes the enforceability of commercial agreements and enables competitive markets — indeed, a competitive economy — to function effectively.

Congress, however, did not intend the test of the Sherman Act to delineate the full meaning of the statute or its application in concrete situations. The legislative history makes it perfectly clear that it expected the courts to give shape to the statute’s broad mandate by drawing on common-law tradition. The so-called Rule of Reason, for example, has its origins in common-law precedents long antedating the Sherman Act. It has been used to give the Act both flexibility and definition, and its central principle of antitrust analysis has remained constant. Contrary to its name, the Rule does not open the field of antitrust inquiry to any argument in favor of a challenged restraint that may fall within the realm of reason. Instead, it focuses directly on the challenged restraint’s impact on competitive conditions.

### 2AC---T-Across Board

#### “Expand the scope” requires modifying the applicability the antitrust

Kovacic et al. 03 – Professor at George Washington University Law School

William E. Kovacic, Theodore B. Olson, R. Hewitt Pate, Paul D. Clement, Jeffrey A. Lamken, Catherine G. O’Sullivan, Nancy C. Garrison, David Seidman, Brief for the United States and the Federal Trade Commission as Amici Curiae Supporting Petitioner, Verizon Communs. Inc. v. Law Offices of Curtis v. Trinko, 2003 U.S. S. Ct. Briefs LEXIS 513, Supreme Court of the United States, May 2003, LexisNexis

Conversely, the 1996 Act does not expand the scope of the antitrust laws to outlaw conduct that, but for the 1996 Act, would not violate the antitrust laws. Such an expansion of Sherman Act duties would "modify \* \* \* the applicability of \* \* \* the antitrust laws" in contravention of 47 U.S.C. 152 note. Violations of the duties imposed by the 1996 Act are just that--violations of the 1996 Act, subject to the sanctions and penalties imposed by that Act. They do not automatically amount to treble-damages antitrust claims. The courts of appeals are again in accord. Pet. App. 29a; Covad, 299 F.3d at 1283 ("We agree with Goldwasser that merely pleading violations of the 1996 Act alone will not suffice to plead Sherman Act violations."); Goldwasser, 222 F.3d at 400 (It is "both illogical and undesirable to equate a failure to comply with the 1996 Act with a failure to comply with the antitrust laws."); Cavalier Tel. Co., 2003 WL 21153305, at \*11-\*12 (similar).

#### The core antitrust laws just means Sherman and Clayton.

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

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

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

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

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

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

#### “Prohibitions” includes indirect coercion and penalties.

Whyte 19 – Former Chief Legal Counsel, Montana Department of Revenue

Daniel J. Whyte, Brief of Respondents, Espinoza v. Montana Department of Revenue, 2019 U.S. Supreme Court Briefs Lexis 6391, Supreme Court of the United States, November 2019, LexisNexis

I.A The Free Exercise Clause bars laws "prohibiting the free exercise" of "religion." This Court has held that the term "prohibition" covers not only direct bans on religious practice, but also "indirect coercion or penalties on the free exercise of religion." Trinity Lutheran Church of Columbia, Inc. v. Comer, 137 S. Ct. 2012, 2022 (2017) (internal quotation marks omitted). Thus, in Trinity Lutheran, this Court held that when a church was barred from receiving a generally available benefit, it was penalized for being a church, in violation of the Free Exercise Clause.

#### 6. “The” is a specifying term.

Random House 6 (Unabridged Dictionary, http://dictionary.reference.com/browse/the)

The (used, esp. before a noun, with a specifying or particularizing effect, as opposed to the indefinite or generalizing force of the indefinite article *a* or *an*): the book you gave me; Come into the house.

## K

### 2AC---F/W

#### 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.

#### Future orientation is good to inform political commitments. 2. Interdisciplinary research to envision possible futures is good. 3. These aren’t scientific or empirical questions entirely. 4. Politics require collective action which are constrained by the disposition of others 5. Feasible isn’t conservative, but doing the groundwork to move political horizons.

Samuel **Bagg 16**, Department of Political Science, Duke University, “Between Critical and Normative Theory: Predictive Political Theory as a Deweyan Realism,” Political Research Quarterly June 2016 vol. 69 no. 2 233-244

We could admit, first of all, that resolving disagreement about predicted consequences is useful, and nonetheless maintain that this is simply not the domain of political theory and philosophy. Those who are understandably weary of efforts to scientize the humanities might object that this sort of “pragmatism,” though perhaps on the wane in Philosophy departments in the mid-20th century, began to dominate Political Science with the “behavioral revolution,” and that “predictive” political theory is simply another name for social science as it developed after Dewey’s death. This objection, however nobly motivated, is misplaced: in short, it is exactly because we are not scientists in any strict sense that making these kinds of predictions is our job. The world is not so courteous as to present us only with a limited number of well-defined variables with limited interactions, as we noted above, nor unlimited time to experiment with different forms of social life. In order to aid **important political judgments**, we need to **envision the consequences** of **large-scale changes** to **material circumstances**, **social norms**, **political institutions**, and **cultural narratives**; tasks ill suited, in other words, to the precise tools of science. The role of political theorists, on this conception, is **not** to do **primary research** on the effects of particular empirical interventions, but to **synthesize the best work** from a number of diverse fields, including but not limited to the social sciences, making **larger-scale predictions** about the **consequences** of actions and interventions that **cannot be tested scientifically**. To call this inherently more speculative practice “prediction,” of course, is to stretch the normal scientific meaning of the word, as Dewey acknowledged. It is worth adopting his somewhat provocative usage, however, in order to emphasize the continuity between these practices, which is too often ignored by those on both sides of the ill-conceived descriptive-prescriptive divide. Using a common language of prediction highlights the ways in which these modes of inquiry ought to discipline and learn from one another. In response, then, it might be argued that social scientists, who can evaluate the relevant empirical studies with greater precision and reliability, are still better positioned than political theorists to “discipline” the more expansive and imaginative form of prediction envisioned by Dewey.9 By contrast, it could be added, the sorts of expertise developed by political theorists are not particularly relevant to the needs of large-scale prediction. The objection is instructive, and several answers to it are necessary. First, we must admit that it contains some truth. At present, many political theorists lack the tools necessary to properly interpret and synthesize the relevant findings of other fields. Thus, adopting a Deweyan method of inquiry is not entirely inert: at least some of us should change what we are doing and learn the tools we need to best undertake this kind of large-scale, synthetic prediction. Nevertheless, there are good reasons to think that political theorists are the right disciplinary community for the job. Consider first our somewhat idiosyncratic devotion to the study of canonical figures in the history of political thought, many of whom – from Aristotle to Hobbes, Rousseau, Marx, and of course Dewey himself – were not only or even primarily political philosophers. As thinkers of a realist bent are fond of reminding us, political theorists have always drawn from and even contributed to the study of history, psychology, economics, and whatever else was available to them, often because they have hoped to make exactly the sort of large-scale predictions Dewey recommends. In advocating an approach to political philosophy grounded in “social theories of power” rather than first principles, for example, Jacob Levy (2015) observes in a realist spirit that if such a social-theoretic approach is “sometimes absent from contemporary normative theory… that is one reason for looking to the history of political thought, where a greater methodological richness can be found” (4). Political theorists’ training in the history of political thought therefore has two important implications: first, that we are already accustomed to grappling with this kind of imaginative prediction; and second, that adopting a similarly “interdisciplinary” approach in our own constructive work does not change the fundamental character of the discipline. Of course, one might think that with the increasing sophistication in our methods of knowledge production since the age of Aristotle or even of Dewey, there is a good reason we now typically sort ourselves into disciplines. In a sense, this is undeniably true: one cannot hope to be at the forefront of so many fields at once, in the way that some of these classical figures could. Even now, however, it is not impossible to ground one’s theoretical perspective in a broad, interdisciplinary understanding of human beings and human societies. Indeed, we might say something even stronger: to be at the forefront of political theory often requires some sort of interdisciplinary synthesis.10 Consider the work, for example, of thinkers as diverse as Elizabeth Anderson, Anthony Appiah, William Connolly, Jon Elster, Sharon Krause, Helene Landemore, Martha Nussbaum, James Scott, Ian Shapiro, and Cass Sunstein, each of whom treats traditional texts alongside work in the social and cognitive sciences. Of course, it is not just quantitative and explicitly experimental knowledge that deserves inclusion – the humanities and interpretive social sciences are also essential to the integrative understanding envisioned here. Since political theorists are more accustomed to using such resources, it does not merit as much attention here, but it does count as yet another reason that it is political theorists and not social scientists trained explicitly in quantitative methods who are the most natural fit for the sort of prediction I have in mind, which is not simply a kind of statistical meta-analysis. Perhaps most importantly, in fact, the very critical and normative methods which a predictive approach seeks to transcend are nonetheless crucial background for its pursuit. Though critical theorists are led astray when they refuse to make any consciously constructive contributions to democratic judgment, for example, Foucault and others are right to challenge the normalizing effects of academic discourses, and the authority with which we presume to perpetuate them. Thus, it is only with an acute sensitivity to these dangers that we ought to proceed in predictive inquiry. Similarly, though analytic normative theorists have a problematic tendency to proliferate abstract discussion of principles at the expense of concrete inquiry into the particular situations of judgment we face, these principles often serve as excellent heuristics, pointing our attention in particularly fruitful directions when examining those concrete circumstances. It is at least partly through engagement with critical and normative theory, in other words, that we become attuned to a genuine diversity of perspectives, the moral patterns which permeate social life, and the relentlessly subtle ways in which power structures our experience. This traditional sort of “expertise” is as relevant as ever to political theory in a broadly predictive mode. Despite its scientific inspiration and the language of hypothesis testing, therefore, we should not mistake Dewey’s project for a naïve scientism; an attempt to make political theory more “objective” or “rational.” As we saw above, his reading of Darwin leads him to question the possibility of a singular rationality. In his interpretations of Dewey, Richard Rorty (1982; 1989) has emphasized the role of narrative and artistic imagining, which for Dewey is indeed a necessary part of the process of social intelligence: “The first intimations of wide and large redirections of desire and purpose are of necessity imaginative. Art is a mode of prediction not found in charts and statistics, and it insinuates possibilities of human relations not to be found in rule and precept, admonition and administration” (LW 10, 352, emphasis added). Rorty imagines that this justifies a surrender of philosophy to poetry – that is, a surrender of logic to narrative (1989, 26). Dewey recognized, however, that we can also go beyond these first intimations about new forms of life, projecting our more systematic social and historical inquiry into the future. For Dewey, art and statistics are both moments of a continuous practice of predictive inquiry, each with irreplaceable contributions to make. What a Deweyan perspective recommends, specifically, is leveraging an integrated, interdisciplinary understanding of human societies to think through the predicted effects of potential “interventions” on larger scales than is possible to predict scientifically. We might do our best, for example, to imagine all of the various consequences of large-scale racial integration, as Elizabeth Anderson (2010) does in The Imperative of Integration. Anderson, a pragmatist explicitly inspired by Dewey, adopts of a wide array of disciplinary lenses to make a synthetic argument that is irreducible to any of them, demonstrating predictive political theory at its best. Others have applied similar methods in evaluating competing regimes for maintaining civic “virtue” (McTernan 2014), achieving deliberative conversions (Bagg 2015), enabling secondorder social reflexivity (Aligica 2014; Bell 2015; Knight and Johnson 2011), and weakening the effect of money in politics (Lessig 2011). We can imagine similarly **wide-ranging predictive approaches** to proposed interventions like instituting **reparations for slavery**, changing our understandings of marriage, **abolishing prisons**, enforcing strict norms of **gender equality**, **opening borders**, undermining norms of individual responsibility, or imposing **global redistributive taxes** on capital. These proposals vary in feasibility, for judgments about which long-term ideals to promote in the broader public sphere are just as **real**, **situated**, and **pressing**, as judgments about **which policies** to support in the **short term**. In fact, since legal theorists and scholars of public policy do occasionally engage in predictive inquiry regarding proposed adjustments to legal and institutional regimes, it is with regard to long-term ideals – and, crucially, all manner of extra-legal norms, discourses, and narratives – that political theorists may have the most to contribute. This brings us, then, to our second major objection: that however valuable it may be for political theorists to do, this task does not respond in any obvious way to realist demands. Again, we must admit from the start that there is some truth to this objection, especially if we assume that contemporary realism is closely tied to classical realists such as Thucydides, Machiavelli, and Hobbes. One familiar doctrine that might be associated with “realism,” for instance, is that because humans are inherently selfish, they could never attain the levels of social cooperation necessary for socialist, communist, or even liberal internationalist goals. Though this particular claim is not widely-held among contemporary realists, several do exhibit a fear of “utopian” speculation in general, recommending instead an emphasis on basic security from violence and cruelty.11 From this perspective, speculation about open borders and prison abolition must appear quite fantastical. To those who support such radical goals, meanwhile, “realism” might seem an odd label for Dewey’s progressive experimentalism. Nevertheless, we can defend a Deweyan predictive approach as a variety of realism in two ways: first, by distinguishing between “substantive” and “methodological” realism; and second, by emphasizing again the significance of extra-legal norms. It must be admitted that a certain element of the broader realist tradition is pessimistic about the possibilities of cooperation and skeptical of utopian speculation – an attitude we may call “substantive” realism. Nonetheless, this is only one part of realist tradition, and it is one that contemporary realists have de-emphasized. In his pivotal “manifesto” for the realist movement, for example, William Galston (2010) summarizes its four basic components: “the injunction to take politics seriously as a particular field of human endeavor; the proposition that civil order is the sine qua non for every other political good; the emphasis on the evaluation and comparison of institutions and regimetypes, not only principles; and the call for a more complex moral and political psychology” (408). Of these four, only the second – an emphasis on civil order – plausibly implies a pessimistic “substantive” account of human possibility, and even this allows for more ambitious political schemes once the demand for order has been satisfied. The other three components, by contrast, are conducive to a wide variety of social and political projects. Largely eschewing the **blanket pessimism** of their classical forebears, contemporary realists are more likely to endorse what might be called “methodological” realism – i.e., a commitment to political theory that is **comparative**, **contextual**, psychologically rich, **institutionally innovative**, and grounded in **specific situations** of **political judgment**. These commitments, then, are plainly aligned with the Deweyan approach elaborated here, which gives the lie to any necessary connection between a realist methodology and a pessimistic, conservative, or quietist conception of the substantive goals to which we may aspire. Pace those partisans of abstraction who cry “utopophobia” at any mention of particularity or constraint in political philosophy (Estlund 2014), we need not abandon methodological realism just because we reject the conservatism of certain classical realists. Indeed, we may **productively advocate** for **quite radical institutional proposals**, such as prison abolition or open borders – just so long as we do so responsibly, acknowledging the **work that must be done** to **render those proposals feasible**. As this caveat makes clear, a predictive approach does recommend a certain degree of caution. A Deweyan realist will maintain that such apparently infeasible ideals as prison abolition and open borders may be useful in certain situations of judgment, as when expressing long-term goals for society. However, she will also readily admit that they will not typically be called for in everyday political situations requiring collective action, which are **highly constrained** by the dispositions of others. In such circumstances, radical action can **easily** turn out to be **counterproductive**, and as noted above, the point is **definitively not** to engage in **reckless experimentation** for experimentation’s sake. Rather, it is the **express purpose** of predictive political theory to consider which experiments are **worth trying**, and **under what circumstances**; precisely to **avoid**, in other words, the sort of **rash**, **irresponsible “experiments”** that have brought us everything from **Stalin’s gulag** and **Mao’s famine** to **US misadventures** in **Latin America** and the **Middle East**. Far from tempering our enthusiasm for the predictive enterprise, such examples reinforce its **vital necessity**. Methodological realism can help us to distinguish when substantive realism is appropriate, and when it may be relaxed

#### The AFF is a form of role experimentation, allowing debaters to imagine alternative futures and engage in contingent micro-political experiments---this builds commonality and collective political engagement necessary to fight neoliberal fracturing.

Aubrey **Yee 15**. Hawaii political science PhD candidate. 2015. “The Fragility of Things and Capacities of the Micro-Political Experiment”, Theory and Event, 18.3, Project Muse.

To escape the crocodile death roll of modernity thus requires the calm serenity of fluid movement paired with the speed of instinct and reaction. Such instinctual reaction in the face of certain death can only be born of militant and repetitive practice until the reaction is finally, purely instinctual. Like the surfer who survives a wipe-out on a 100’ wave, the calm that allows your body to go limp and ride out the excruciating minutes of chaotic tumbling and lack of air can only come from a thoroughly practiced and steady mind. Finding joy and purpose in political practice becomes critical to the longevity and intensity of commitment. In words frequently attributed to him, Gary Sirota explains why he surfs: “There are no more committed people on the planet than surfers. We fall down a lot. We turn around, paddle back out, and do it over and over again.”9 In this same way, we must become addicted to the high of engagement. The accumulation of political role experimentations espoused by Connolly become a path for amplifying connection and perception and as each experiment makes a small difference, the natural amplification of effects “may prepare us to participate with others in yet more adventurous activities” that counteract the insistent amplification of neoliberal ideological forces.10 In this prescription, as we learn to surf the ceaseless waves of climate change, species loss, socio-economic inequality, refugees, war, surveillance and depression, we find the moments of joy and connection in the work that keep us coming back, each time more prepared and capable of surfing bigger waves with confidence. To begin cultivating the necessary qualities, Connolly’s imagination of the ‘micro’ is instrumental. He argues that, “Capitalism writ large… sets too large and generic a target…The point today is not to wait for a revolution that overthrows the whole system.”11 To reinforce this hypothesis, Connolly connects his vision of a vigilant micro-political commitment to our daily entanglement with the microbiota within and all around us, “because human and nonhuman systems regularly infuse and impinge upon one another – both at the microscopic level within human bodies and at the macroscopic level between disparate systems.”12 We can see this phenomena manifested clearly with the increasing prevalence of Toxoplasma gondii, an intracellular parasitic protozoan typically found in cat poo and implicated in a whole host of disorders perhaps most notably and symbolically schizophrenia.13 Or in the way that a newborn child is robbed of their very first protective microbial force field when birthed by caesarean, a trend reaching upwards of 40 percent in some countries like Chile.14 These and myriad other micro-biological processes remind us daily that “We are not unique; we are merely distinctive.”15 Embracing that level of humility is crucial as we are forced to evolve rapidly and transformatively in a not-so-distant future filled with environmental wierding, socio-economic upheavals and chaotic technological advances all underwritten by a neoliberal world order. Humility, in this post-normal world becomes an invaluable asset, allowing us to productively accept, understand and enhance our positively parasitic partnership with unseen micro-realities rather than becoming mired in the ego-ic experience of neoliberal individualism. Community is today more critical, and in fact more endangered, than it has ever been. The realities that a parasite could induce delusions of grandeur in the human mind, and that commodification of health has led to children entering the world devoid of their first microbial allies are significant for our understandings of modern neoliberal politics. “Capitalist modes of acceleration, expansion, and intensification that heighten the fragility of things today also generate pressures to minoritize the world along multiple dimensions at a more rapid pace that heretofore.”16 Reversing this neoliberal tendency to loosen beings from their connection to the web of existence is the work of our time. Rebuilding our ability to sense connection and resonance when it occurs, to hear our na’au when it speaks to us in new languages, these are our challenges and our calling. Connolly mirrors and re-resonates this value for micro-processes in his evaluation of political will. By positioning role performance as political experiment, Connolly subtly argues for the microbial infection and amplification of day-to-day activity, indicating that small deliberate choices can lead to entrenched behaviors much in the same way that ingestion of the toxoplasma microbe can eventually lead to schizophrenia. He clearly argues that “role experimentations and the shape of the pluralist assemblage thus infect one another.”17 To ignore the tacit role performances with which we engage constantly is to then succumb to the habitual nature of practices that “condense previous relations of overt power.”18 Instead, we are being asked by the inherent fragility of things to intentionally foster micro-political-performances that enhance our militant democratic possibilities. Coincidentally these same performances will likely be the ones that inspire the most joy within us; a joy that creates a space for us to persist and practice despite a mounting understanding of catastrophe. Whether it is a small group of scholars gathering to discuss the fragility of things, or a blog one of us writes later to critique neoliberal ideologies, or a smile given to a stranger in a crowded public space, or a garden, planted in an abandoned city lot to grow food and feed a neighborhood, these microscopic daily acts of political will reaffirm that “there is no zone of complete neutrality in a world of role performances” and that there are “significant relays between role performance, self-identity, and the formation of larger political constellations.”19 In the same way that we are constantly made and re-made by the microbial biological realities at work within our bodies, our politics are constantly made and re-made by the micro-political choices and identifications we collectively propagate. And yet, despite this insistence on micro-political performativity, there is an equally urgent call to reengage with the state as a site of activism. Treading lightly in his prescriptions, Connolly is nonetheless explicit in his concern for the mounting pressures to discard the state altogether. Instead, he explains that, “the fragile ecology of late capital requires state interventions of several sorts. A refusal to participate in the state today cedes too much hegemony to neoliberal markets.”20 The scale of the challenges we face and their planetary ubiquity require state intervention as much as they require the resonance of community based micro-politics. We need a revolution at all scales to reverse the trends that have brought us a world where small island nations are being swallowed by a rising ocean; a world where many say the sixth extinction is already underway; a world where most Americans have little or no connection to most of their closest neighbors. The severity and ubiquity of the crisis demands an equal amount of amplification and resonance from the other side of the pendulum and this will only come if we engage “a multisited politics designed to infuse a new ethos into the fabric of everyday life.”21 The political economy of late-late capitalism is a moving assemblage – its loose joints and disparate edges tearing at the fragile fabric of communities in the midst of their struggle to hold a center. And we must become painfully aware, if we have not already, that in this day and age, the very notion of community and the heterogeneity that deeply place-based community cultivates is under heated attack from many sides. This is the fate of our neoliberal embrace, for as Connolly suggests, “neoliberalism is a form of biopolitics that seeks to produce a nation of regular individuals, even as its proponents often act as if they are merely describing processes that are automatic and individual behavior that is free.”22 This is perhaps the ultimate deception of the Anthropocene epoch and a delusion that could very well be our undoing. Participation in this delusion is partially a survival instinct, “since total immersion in the dangers of the future and the contemporary condition can lead you to neglect daily duties and needs.”23 These realities coalesce to form an ever-greater argument for the capacity of micro-processes as change agents. Harnessing the “potential power of these subterranean flows” will allow us the fortitude to continue persisting in a world entrenched in neoliberal schizophrenia while simultaneously building the capacity for self-organization and feedback loops that allow “a self-amplification system to emerge”, what Connolly calls a “creative resonance machine” – one to counter and unbalance the machine that is literally consuming the planet and all its natural resources.24 This resonance machine would have micro-political communities forming in various places around the world which would then find connections among one another to build ever-greater alliances that en masse have the potential to enact Connolly’s vision of the militant politics that are necessary to “defeat neoliberalism, to curtail climate change, to reduce inequality, and to instill a vibrant pluralist spirituality into democratic machines that have lost too much of their vitality.”25 In the short term at least, it seems that we still very much need the institutions of the state as final safe guards against the pervasive and divisive individuality that neoliberalism would have us believe is paramount to freedom. It is then within this call to role performance as political experiment that I believe Connolly offers us a compelling way forward. Imagining our daily micro political maneuvers as part of a larger resonance machine embroiled in the best that a complex universe has to offer is the only way we may find the fortitude to relax our breath, conserve the last bits of oxygen we have left and ride the chaos of this massive wave until the set has passed and we find our way to the sky for a quick and critical breath. Remembering with calm confidence that another set of waves with equally chaotic power is very likely on its way. At our constant aid is the innate human appreciation for aesthetic experience. We may want to seriously consider the idea that aesthetics are in fact a basic and physiological form of communicating ethics between modes of existence such as living/non-living or human/non-human. Joseph Campbell called this ‘the problem of beauty,’ and in an interview with Bill Moyers he asked, “When a spider makes a beautiful web, the beauty comes out of the spider’s nature. It’s instinctive beauty. How much of the beauty of our own lives is about the beauty of being alive?”26 Re-instilling our ethical imaginary with this positioning allows for incorporation of both humility and reverence, two concepts critical to the task of managing our fragility. Cultivating our sensitivity to the inherent aesthetic communication of non-human beings and things requires specific courage in a world full of apparent suffering, but I believe that this courage is crucial and we can no longer afford to deny our complicity in the state of things as they are. Where I disagree with Connolly is primarily in his assessment of thinking about and envisioning the future(s). Arguing for dedication to an ‘interim agenda,’ Connolly suggests that “in a world of becoming the more distant future is too cloudy to engage.”27 While this may be true on face value, the cloudiness of the more distant future must not preclude our engagement with it. Instead, at this point in history it is more crucial than ever to hone our capacity for engaging with uncertainty and becoming comfortable in the fog. It is through the repeated and consistent practice of imagining and envisioning preferred and alternative futures that we will polish and strengthen our capacity for performing militant and productive micro-politics in the present. The future is destined to be the artifact of those with the most militant imaginings and we cannot afford to forego that commitment for a focus solely on the interim present. Getting good at experiment is part of this process. In fact ethical experiment and resilience may be the words best suited to replace the outdated and misused meme of sustainability. Micropolitical experiment like microbial contagion will shape and reshape our path as we charge forward into an increasingly chaotic future in a “cosmos of becoming.”28 That said, if instead we engage with Connolly’s imagining of the ‘interim’ from a perspective of the cosmos and geologic timeframes, then perhaps it is big enough to address the ‘future’ in terms useful for tackling human scale concerns. In other words, we must at the very least think in terms of several generations into the future, even better several centuries. Our lack of practice in long term thinking is a peculiar tendency of modernity where many of our products and processes leave tangible traces for millennia but our planning for them does not take into account even a few generations beyond our own. Think of nuclear waste, climate change and genetic engineering as just a few examples of this destructively pervasive proclivity. Our ineptitude at imagining our agency in terms of our ability to seriously affect the lives of yet unborn future generations has been one of our biggest downfalls. Many of our ancestors understood that their life was as part of a long chain of being which extends backwards and forwards and which requires an ethics that embrace eternity. We have today been mostly severed from that understanding. Instead, “Much of life is organized around daily routines and struggles that draw attention from the attachment to humanity and the world typically woven into the undercurrents of living.”29 And while this state of affairs is understandable, it is our imperative to challenge the reactionary mode of existence and find a creative mode where attachment and assemblage become as natural to us as being alive.

#### 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).

#### Alt fails – cedes political, sacrifice large portion of population and they underestimate the potential of state-based reform\*

Lear 12 - editor of Shift Magazine, and has recently co-authored an article in Occupy Everything! Reflections on Why it’s Kicking off Everywhere

Ben, “Lifeboat Communism – A Review of Franco “Bifo” Berardi’s After the Future,” http://viewpointmag.com/2012/05/18/lifeboat-communism-a-review-of-franco-bifo-berardis-after-the-future/

However, Bifo is not an optimist when it comes to technology. The intertwined tale that is being told is that of the integration of these new technologies within the processes of discipline and production. Whilst the motor engine and the internet both promised a world of reduced work hours and increasing luxury the opposite has been the case. New technologies and organisational techniques have been used in turn to discipline people into the rhythm of the factory and then to fracture this collective body into the manageable fragments needed in today’s ‘flexible and innovative’ economy. The technologies discussed are revealed as intrinsically social, capable of being put to work by various different sections of society. Bifo’s analysis traces the links between artistic and cultural movements such as the proto-fascist futurists and the liberal dreamers of the internet that saw a brighter future ushered in through human ingenuity embodied in technological developments and the implementation of these technologies within the framework of capitalist development.¶ III¶ After tracing the history of the idea of the future, Bifo devotes another chapter to the present conjuncture, returning to a core concern within his work: the interplay between technology and subjectivity within capitalism. The role of information technology is central to the analysis put forward. Compared to the optimistic immanence of Hardt and Negri, or the liberatory affirmation of Paul Mason, Bifo’s analysis of the impact of IT systems on the social body is far less cheerful. Bifo sees these technologies as deeply invested within processes of capital accumulation and state discipline; a specific form of capitalism which Bifo labels “semio-capital” has emerged that puts our “neurophysical energies to work and submits them to the speed of electronic machinery.” IT technology has helped spread precarious work conditions, and mobilizes our thoughts, dreams and desires (Marx’s “general intellect”) for capital accumulation. Widespread depression is the response to this mismatch between cyberspace and cybertime, as the social body struggles to cope with the flows of information and emotional affects we encounter in our daily lives.¶ This fracturing of the social body has had an effect on our ability to organise politically. The potential for solidarity in the workplace and the rest of our lives has been radically reduced. Semiocapital produces subjects incapable of solidarity, or of composing into a class for itself. Outbursts of social rage such as the London riots or the student protests of winter 2010-2011 are more likely than long-term antagonistic movements. Indeed, we only need to look at the difficulty faced by those involved in the Occupy moment, as they attempt to cohere into a political movement capable of confronting the state and capital. These developments within contemporary capitalism, Bifo argues, are starting to foreclose the possibility of collective politics with traction in the world.¶ Bifo’s vision is bleak. Many economists are now willing to admit that austerity politics are failing, while Keynesianism or the continued belief in the promises of the information economy seem equally dysfunctional. Instead of the return of growth and steadily improving living conditions, Bifo foresees an economic recovery in which growth resumes with no concurrent social distribution. A future of increasingly predatory finance capital, repressed surplus populations, militarised green zones, universal precarity, and widespread depression is already here. “Recovery,” for most of us, means “a new round of social devastation.” The crisis of political legitimacy is also the universalizing of a bitter cynicism: only 42% of people in the UK say they are interested in politics. The political is dead, the post-political appears as permanent.¶ IV¶ What does the end of the future mean for radical politics? It is at this point that Bifo’s argument becomes problematic. In an argument that intersects with groups such as Tiqqun, Bifo argues that we must see “Communism as a necessity in the collapse of capital.” Distant from the voluntarism of previous forms of Communist politics, this “post-growth Communism” will be best understood as a necessary response to capital’s refusal of labour. Cut adrift from the “opportunity” to work, with welfare systems dismantled, Bifo argues that we will witness the proliferation of zones of autonomy responding to the needs of an increasingly precarious and superfluous social body. Communist politics will emerge from an exodus, both voluntary and compulsory, from a stagnating and increasingly predatory state-capital nexus. This exodus is both social, in the development of an alternative infrastructure, and personal, in the withdrawal from the hyper-stimulation of the semiotic economy. Bifo abandons hope in collective contestation at the level of the political.¶ Bifo’s politics could be described as a kind of “lifeboat communism.” As the crisis ripples, mutates, and deepens, Bifo sees the role of communism as the creation of spaces of solidarity to blunt the worst effects of the crisis of social reproduction. Gone is the demand for a better world for all, the liberation of our collective social wealth, or the unlocking of the social potentials of technology. Rather, Bifo’s politics are based around insulating a necessarily small portion of society from the dictates of capital. By withdrawing from the political sphere, we accept the likelihood of losing the final scraps of the welfare state and concede the terrain of the political to zombie politics and predatory capital. Rather than seeking new forms of organization to re-enter the political stage, Bifo seems to suggest that we seek shelter beneath it as best we can.¶ This shying away from the political stage is the weakness at the heart of the book. Recent eruptions of political struggle have captured the collectiveimagination because they demonstrate that political contestation is still possible today, in spite of the obstacles Bifo has described. The Occupy movement and the uprisings in the Middle East and North Africa have resonated with all those who still have hope in collective struggle. Although these movements have encountered varying problems, to which we must develop solutions, they dispel the idea of an unchangeable present. The current blockages to successful organising have been shown to be strategic and tactical, not terminal. Misdiagnosing the current inertia of post-political public life as a terminal condition leads the left towards an evacuation of the political, while we should instead reassert its primacy. If we abandon any hope of fighting in, against, and beyond the existing architecture of the state and capital, and instead seek refuge in small communes, and go-slow practices, we abandon all real hope of a generalized, or generalizable, emancipatory politics. Although Bifo’s analysis of the difficulties of collective action resonates with all of us who have attempted to organize struggles in the past few decades, the proposal for a simple withdrawal from capitalism is a bleak politics indeed – which, at its most optimistic, calls for an orderly default by portions of the proletariat. The horizons of communist politics appear much narrower when capitalism is no longer seen as the repository of a vast store of social wealth awaiting collective redistribution, but rather redefined as an unassailable site of universal and permanent austerity combined with widening social redundancy.¶ It is hard to imagine a network of self-organized projects and systems supporting the majority of the population in the context of an increasingly predatory capitalism. Emerging from the and isolated leftist scenes, this lifeboat communism will by its very nature have a limited carrying capacity, as the anarchist experience in post-Katrina New Orleans attests. The lifeboats that Bifo calls for will undoubtedly be too small and makeshift to harbor us all.¶ The crisis is twofold. It is a crisis of capitalist profitability, and of an increasingly precarious and surplus global proletariat whose reproduction (as both labour and body) is under threat. It is unlikely that the proliferation of communes, squats, food co-ops, file sharers, urban gardeners, and voluntary health services will bring forth a new, better world. But while the current seemingly post-political situation throws up massive obstacles to organizing, there is still a potential for collective contestation. The capitalist state, racked by its own legitimacy crisis and weekly political scandals, is more vulnerable than it appears. We need only recall the period of unexpected hope built by students in Britain, occupiers in Oakland, and vast swathes of North Africa and the Middle East during the past two years. These movements were mobilised through the betrayal of a vision of the future – but alongside their rage, they put forth a hope which can guide our politics.¶ The task at hand is to unlearn old behaviour and to forge new tactical and organisational weapons for struggle. Bifo’s contribution is a timely and challenging one, but it ultimately leads us back towards a DIY [do it yourself] culture and “outreach” politics. As our movements come to terms with these limits, we must also hold onto the belief that luxury for all is possible. The social potential of unfilled blocks of flats, emerging technologies like 3D-printing, and the desires of the millions of underemployed, should remind us of this. This will not be possible without a collective struggle against the state and the demands of capital, one which simultaneously defends what we have and attempts to move beyond it.¶ A retreat to lifeboat politics is both premature and a self-fulfilling prophecy. While Bifo correctly analyses the current conjuncture – clearly identifying the post-political state, the weakness of the Left, the crisis of profitability and new forms of labour, and their impact on the subject – his political prescriptions lead us in the wrong direction. Just as Bifo does, we place the struggle against work at the center; but we can also seek to liberate social wealth, rather than insulate a lucky few from the ravages of capital. Rather than “No Future,” we must raise a different banner: “The future’s here, it just needs reorganizing.”

# 1AR

## Adv 2

#### Best research proves deterrence is stabilizing, NOT the opposite.

Brooks and Wohlforth ’16 – Professor of Government at Dartmouth College, PhD from Yale University

Stephen Brooks, William C. Wohlforth is Daniel Webster Professor of Government in the Dartmouth College Department of Government, America Abroad: Why the Sole Superpower Should Not Pull Back from the World (Oxford, New York: Oxford University Press, 2016): 103-110.

Consistency with influential relevant theories lends credence to the expectation that US security commitments actually can shape the strategic environment as deep engagement presupposes. But it is far from conclusive. Not all analysts endorse the theories we discussed in chapter 5. These theories make strong assumptions that states generally act rationally and focus primarily on security. Allowing misperceptions, emotions, domestic politics, desire for status, or concern for honor into the picture might alter the verdict on the strategy’s net expected effects. And to model the strategy’s expected effects we had to simplify things by selecting two mechanisms— assurance and deterrence—and examining their effects independently, thus missing potentially powerful positive interactions between them.

This chapter moves beyond theory to examine patterns of evidence. If the theoretical arguments about the security effects of deep engagement are right, what sort of evidence should we see? Two major bodies of evidence are most important: general empirical findings concerning the strategy’s key mechanisms and regionally focused research.

General Patterns of Evidence

Three key questions about US security provision have received the most extensive analysis. First, do alliances such as those sustained by the United States actually deter war and increase security? Second, does such security provision actually hinder nuclear proliferation? And third, does limiting proliferation actually increase security?

Deterrence Effectiveness

The determinants of deterrence success and failure have attracted scores of quantitative and case study tests. Much of the case study work yields a cautionary finding: that deterrence is much harder in practice than in theory, because standard models assume away the complexities of human psychology and domestic politics that tend to make some states hard to deter and might cause deterrence policies to backfire.1 Many quantitative findings, meanwhile, are mutually contradictory or are clearly not relevant to extended deterrence. But some relevant results receive broad support:

• Alliances generally do have a deterrent effect. In a study spanning nearly two centuries, Johnson and Leeds found “support for the hypothesis that defensive alliances deter the initiation of disputes.” They conclude that “defensive alliances lower the probability of international conflict and are thus a good policy option for states seeking to maintain peace in the world.”2 Sechser and Fuhrmann similarly find that formal defense pacts with nuclear states have significant deterrence benefits.3

• The overall balance of military forces (including nuclear) between states does not appear to influence deterrence; the local balance of military forces in the specific theater in which deterrence is actually practiced, however, is key.4

• Forward-deployed troops enhance the deterrent effect of alliances with overseas allies.5

• Strong mutual interests and ties enhance deterrence.6

• Case studies strongly ratify the theoretical expectation that it is easier to defend a given status quo than to challenge it forcefully: compellence (sometimes termed “coercion” or “coercive diplomacy”) is extremely hard.7

The most important finding to emerge from this voluminous research is that alliances—especially with nuclear-armed allies like the United States— actually work

in deterring conflict. This is all the more striking in view of the fact that what scholars call “selection bias” probably works against it. The United States is more inclined to offer—and protégés to seek—alliance relationships in settings where the probability of military conflicts is higher than average. The fact that alliances work to deter conflict in precisely the situations where deterrence is likely to be especially hard is noteworthy.

More specifically, these findings buttress the key theoretical implication that if the United States is interested in deterring military challenges to the status quo in key regions, relying only on latent military capabilities in the US homeland is likely to be far less effective than having an overseas military posture. Similarly, they lend support to the general proposition that a forward deterrence posture is strongly appealing to a status quo power, because defending a given status quo is far cheaper than overturning it, and, once a favorable status quo is successfully overturned, restoring the status quo ante can be expected to be fearsomely costly. Recognizing the significance of these findings clearly casts doubt on the “wait on the sidelines and decide whether to intervene later” approach that is so strongly favored by retrenchment proponents.

The Causes of Nuclear Proliferation

Matthew Kroenig highlights a number of reasons why US policymakers seek to limit the spread of nuclear weapons: “Fear that nuclear proliferation might deter [US leaders] from using military intervention to pursue their interests, reduce the effectiveness of their coercive diplomacy, trigger regional instability, undermine their alliance structures, dissipate their strategic attention, and set off further nuclear proliferation within their sphere of influence.”8 These are not the only reasons for concern about nuclear proliferation; also notable are the enhanced prospects of nuclear accidents and the greater risk of leakage of nuclear material to terrorists.9

Do deep engagement’s security ties serve to contain the spread of nuclear weapons? The literature on the causes of proliferation is massive and faces challenges as great as any in international relations. With few cases to study, severe challenges in gathering evidence about inevitably secretive nuclear programs, and a large number of factors in play on both the demand and the supply sides, findings are decidedly mixed.10 Alliance relationships are just one piece of this complex puzzle, one that is hard to isolate from all the other factors in play. And empirical studies face the same selection bias problem just discussed: Nuclear powers are more likely to offer security guarantees to states confronting a serious threat and thus facing above-average incentives to acquire nuclear weapons. Indeed, alliance guarantees might be offered to states actively considering the nuclear option precisely in order to try to forestall that decision. Like a strong drug given only to very sick patients, alliances thus may have a powerful effect even if they sometimes fail to work as hoped.

Bearing these challenges in mind, the most relevant findings that emerge from this literature are:

• The most recent statistical analysis of the precise question at issue concludes that “security guarantees significantly reduce proliferation proclivity among their recipients.”11 In addition, states with such guarantees are less likely to export sensitive nuclear material and technology to other nonnuclear states.12

• Case study research underscores that the complexity of motivations for acquiring nuclear weapons cannot be reduced to security: domestic politics, economic interests, and prestige all matter.13

• Multiple independently conceived and executed recent case studies nonetheless reveal that security alliances help explain numerous allied decisions not to proliferate even when security is not always the main driver of leaders’ interest in a nuclear program.14 As Nuno Monteiro and Alexandre Debs stress, “States whose security goals are subsumed by their sponsors’ own aims have never acquired the bomb. … This finding highlights the role of U.S.  security commitments in stymieing nuclear proliferation: U.S. protégés will only seek the bomb if they doubt U.S. protection of their core security goals.”15

• Multiple independently conceived and executed recent case research projects further unpack the conditions that decrease the likelihood of allied proliferation, centering on the credibility of the alliance commitment.16 In addition, in some cases of prevention failure, the alliances allow the patron to influence the ally’s nuclear program subsequently, decreasing further proliferation risks.17

• Security alliances lower the likelihood of proliferation cascades. To be sure, many predicted cascades did not occur.18 But security provision, mainly by the United States, is a key reason why. The most comprehensive statistical analysis finds that states are more likely to proliferate in response to neighbors when three conditions are met: (1) there is an intense security rivalry between the two countries; (2) the prospective proliferating state does not have a security guarantee from a nuclear-armed patron; and (3) the potential proliferator has the industrial and technical capacity to launch an indigenous nuclear program.19

In sum, as Monteiro and Debs note, “Despite grave concerns that more states would seek a nuclear deterrent to counter U.S. power preponderance,” in fact “the spread of nuclear weapons decelerated with the end of the Cold War in 1989.”20 Their research, as well as that of scores of scholars using multiple methods and representing many contrasting theoretical perspectives, shows that US security guarantees and the counter-proliferation policy deep engagement allows are a big part of the reason why.

The Costs of Nuclear Proliferation

General empirical findings thus lend support to the proposition that security alliances impede nuclear proliferation. But is this a net contributor to global security? Most practitioners and policy analysts would probably not even bring this up as a question and would automatically answer yes if it were raised. Yet a small but very prominent group of theorists within the academy reach a different answer: some of the same realist precepts that generate the theoretical prediction that retrenchment would increase demand for nuclear weapons also suggest that proliferation might increase security such that the net effect of retrenchment could be neutral. Most notably, “nuclear optimists” like Kenneth Waltz contend that deterrence essentially solves the security problem for all nuclear-armed states, largely eliminating the direct use of force among them.21 It follows that US retrenchment might generate an initial decrease in security followed by an increase as insecure states acquire nuclear capabilities, ultimately leaving no net effect on international security.

This perspective is countered by “nuclear pessimists” such as Scott Sagan. Reaching outside realism to organization theory and other bodies of social science research, they see major security downsides from new nuclear states. Copious research produced by Sagan and others casts doubt on the expectation that governments can be relied upon to create secure and controlled nuclear forces.22 The more nuclear states there are, the higher the probability that the organizational, psychological, and civil-military pathologies Sagan identifies will turn an episode like one of the numerous “near misses” he uncovers into actual nuclear use. As Campbell Craig warns, “One day a warning system will fail, or an official will panic, or a terrorist attack will be misconstrued, and the missiles will fly.”23

Looking beyond these kinds of factors, it is notable that powerful reasons to question the assessment of proliferation optimists also emerge even if one assumes, as they do, that states are rational and seek only to maximize their security. First, nuclear deterrence can only work by raising the risk of nuclear war. For deterrence to be credible, there has to be a nonzero chance of nuclear use.24 If nuclear use is impossible, deterrence cannot be credible. It follows that every nuclear deterrence relationship depends on some probability of nuclear use. The more such relationships there are, the greater the risk of nuclear war.i Proliferation therefore increases the chances of nuclear war even in a perfectly rationalist world. Proliferation optimists cannot logically deny that nuclear spread increases the risk of nuclear war. Their argument must be that the security gains of nuclear spread outweigh this enhanced risk.

Estimating that risk is not simply a matter of pondering the conditions under which leaders will choose to unleash nuclear war. Rather, as Schelling established, the question is whether states will run the risk of using nuclear weapons. Nuclear crisis bargaining is about a “competition in risk taking.”25 Kroenig counts some twenty cases in which states—including prominently the United States—ran real risks of nuclear war in order to prevail in crises.26 As Kroenig notes, “By asking whether states can be deterred or not … proliferation optimists are asking the wrong question. The right question to ask is: what risk of nuclear war is a specific state willing to run against a particular opponent in a given crisis?”27 The more nuclear-armed states there are, the more the opportunities for such risk-taking and the greater the probability of nuclear use.

It is also the case that for nuclear weapons to deter a given level of conflict, there must be a real probability of their use at that level of conflict. For nuclear weapons to deter conventional attack, they must be configured in such a way as to make their use credible in response to a conventional attack. Highly controlled and reliable assured-retaliation postures might well be credible in response to a conventional attack that threatens a state’s existence. But as newer research shows, the farther the issue in question is from a state’s existential security, the harder it is to make nuclear threats credible with the type of ideally stable nuclear posture whose existence proliferation optimism presupposes.28 If a state wishes, for example, to deter a conventionally stronger neighbor from seizing a disputed piece of territory, it may face great challenges fashioning a nuclear force that is credible. Following Schelling’s logic about the “threat that leaves something to chance,” it may face incentives to create a quasi-doomsday nuclear posture that virtually locks in escalation in response to its rival’s attempt to seize the territory conventionally.

Key here is that nuclear spread cannot be treated as binary:  “You have ‘em or you don’t.” States can choose the kind of nuclear postures they build. Some states may choose to build dangerous and vulnerable nuclear postures. And because they lack the money or the technological capacity or both, many states may not be able to create truly survivable forces (that is, forces that can survive a nuclear first strike by a rival power) even if they wanted to.

The links between nuclear possession and conflict are hard to assess empirically. Still, there are relevant findings that are probative for this debate:

• Nuclear weapons are most credible at deterring the kind of conflict— threats to a state’s core territorial security—that is least relevant to the actual security concerns of most states most of the time. Both quantitative and case study research validates the claim that territorial conquest is rarely an issue in armed conflicts in the present era. Yet states that are bullish on their prospects for territorial survival as sovereign units still have plenty of security concerns and also often find plenty of reasons to use force and plenty of ways to use force other than by conquering other states.29

• Robust, secure nuclear postures do not stop states from engaging in intense security competition. Though the United States and Soviet Union did not fight each other during the Cold War, their nuclear arsenals did not prevent them from engaging in one of history’s most costly rivalries, complete with intense arms racing and dangerous crises that raised the specter of nuclear war.

**Transition wars cause extinction**

**Keck 14**

Zachary Keck is Managing Editor of The Diplomat, The Diplomat, January 24, 2014, “America’s Relative Decline: Should We Panic?”, http://thediplomat.com/2014/01/americas-relative-decline-should-we-panic/

Regardless of your opinion on U.S. global leadership over the last two decades, however, there is good reason to fear its relative decline compared with China and other emerging nations. To begin with, hegemonic transition periods have historically been the most destabilizing eras in history. This is not only because of the malign intentions of the rising and established power(s). Even if all the parties have benign, peaceful intentions, the rise of new global powers necessitates revisions to the “rules of the road.” This is **nearly impossible** to do in any organized fashion given the anarchic nature of the international system, where there is no central authority that can govern interactions between states.

We are already starting to see the potential dangers of hegemonic transition periods in the Asia-Pacific (and arguably the Middle East). As China grows more economically and militarily powerful, it has unsurprisingly sought to expand its influence in East Asia. This necessarily has to come at the expense of other powers, which so far has primarily meant the U.S., Japan, Vietnam and the Philippines. Naturally, these powers have sought to resist Chinese encroachments on their territory and influence, and the situation **grows more tense** with each passing day. Should China eventually emerge as a global power, or should nations in other regions enjoy a similar rise as Kenny suggests, this situation will play itself out elsewhere in the years and decades ahead.

All of this highlights some of the advantages of a unipolar system. Namely, although the U.S. has asserted military force quite frequently in the post-Cold War era, it has only fought weak powers and thus its wars have been **fairly limited** in terms of the number of casualties involved. At the same time, America’s preponderance of power has prevented a **great power war**, and even restrained major **regional powers from coming to blows.** For instance, the past 25 years haven’t seen any conflicts on par with the Israeli-Arab or Iran-Iraq wars of the Cold War. As the unipolar era comes to a close, the possibility of great power conflict and especially major regional wars rises dramatically. The world will also have to contend with conventionally inferior powers like Japan acquiring nuclear weapons to protect their interests against their newly empowered rivals.

But even if the transitions caused by China’s and potentially other nations’ rises are managed successfully, there are still likely to be significant negative effects on international relations. In today’s “globalized” world, it is commonly asserted that many of the defining challenges of our era can only be solved through multilateral cooperation. Examples of this include **climate change**, **health pandemics**, organized crime and **terrorism**, **global financial crises**, and the **proliferation of weapons of mass destruction**, among many others.

A unipolar system, for all its limitations, is **uniquely suited** for organizing effective **global action**

on these transnational issues. This is because there is a clear global leader who can take the initiative and, to some degree, compel others to fall in line. In addition, the unipole’s preponderance of power **lessens the intensity of competition** among the global players involved. Thus, while there are no shortages of complaints about the limitations of global governance today, there is no question that global governance has been many times more effective in the last 25 years than it was during the Cold War

#### China development more destabilizing.

Lowther and McGiffin 19 – Dr. Adam Lowther is Director of Research and Education at the Louisiana Tech Research Institute (LTRI) where he teaches deterrence strategy, NC3 History, and Integrated Tactical Warning and Attack Assessment in several nuclear command, control, and communication courses for the U.S. Air Force. Curtis McGiffin is Associate Dean, School of Strategic Force Studies, at the Air Force Institute of Technology.

Adam Lowther and Curtis McGiffin, August 16 2019, “AMERICA NEEDS A “DEAD HAND”,” War on the Rocks, https://warontherocks.com/2019/08/america-needs-a-dead-hand/

However, artificial intelligence is no panacea. Its [failures are numerous](https://medium.com/syncedreview/2018-in-review-10-ai-failures-c18faadf5983). And the fact that there is profound concern by well-respected experts in the field that science fiction may become reality, because artificial intelligence designers cannot control their creation, should not be dismissed. For the United States, every option presents significant risk and uncertainty. Reality, however, is progressing to a point where the United States must address the challenge we outlined above. Russia and China are not constrained by the same moral dilemmas that keep Americans awake at night. Rather, they are focused on creating strategic advantage for their countries.

#### Better for nuclear stability.

Boulanin 19 – senior researcher at SIPRI, where his work focuses on the challenges posed by the advances of autonomy in weapon systems and the military applications of AI more broadly.

Vincent Boulanin, May 2019, “THE IMPACT OF ARTIFICIAL INTELLIGENCE ON STRATEGIC STABILITY AND NUCLEAR RISK,” SIPRI, https://www.sipri.org/sites/default/files/2019-05/sipri1905-ai-strategic-stability-nuclear-risk.pdf

For the near future, it is hard to see a situation in which humans explicitly delegate decisions to launch nuclear forces to machines—although the Soviet experience in the 1980s indicates that the possibility of movement in that direction should not be discounted. For all of the extended capabilities that AI-enabled systems may offer nuclear early warning and command and control, nuclear policymakers and operators need to keep at the forefront of their minds the question of what this helping hand could take away in the process if it is not implemented well and under meaningful human control.51

## K

**Critical skills forged through limited agreement on a topical point of stasis makes debate a training ground that meaningfully improves the world.**

Dr. Alfred C. **Snider 03**. Edwin W. Lawrence Professor of Forensics at the University of Vermont, PhD. “PARIS NOCTURNE: REPLY TO SCHNURER.” Contemporary Argumentation & Debate, September, <https://debate.uvm.edu/ReplySchnurer.doc>

Maxwell Schnurer’s thoughtful response to my essay has one important thing in common with the other responses, in that it reveals his focus and concern. Schnurer reveals his love of political activism (not necessarily peaceful) and radical change. He charges that the model of gaming prevents debate from leading to political activism. He then praises the street revolution of Paris in May 1968 and draws from the Situationist game of “Potlatch” to describe what debate can be. There is substantial agreement between us. We are both devoted to debate as a method of education, we both hope that debate will lead to meaningful citizen action to create needed social change, and we both value verbs over nouns (processes and experiences over ownership and consumption). However, we disagree over methods and practices, and it is on this basis that I offer this reply. I admire Schnurer’s work and find him extremely thought provoking. As colleagues in debate we know that our interactions and disagreements are what fuel our new discoveries and our mutual growth. First, Schnurer offers what appears to me to be a major contradiction. He savages the game concept as it “has not created significant change,” “minimizes and cripples the increasing tension over activist-oriented arguments in debate rounds,” “encourages a god-complex,” and that in it “energy is sublimated into a fantasy world rather than being brought to the larger world.” He then introduces us to the game of “Potlatch,” and sings its praises as a way to tear down consumerist society and as a model for inspiring exchange of ideas. He finishes with an exhortation to “find games that fulfill our revolutionary potential, take whatever moments we can for ourselves to try and push for as much change as we possibly can.” How “Potlatch” avoids his earlier criticisms or how his search for “game to fulfill our revolutionary potential” can avoid his earlier criticism. He simply cannot have it both ways absent a substantial explanation of how this contradiction is bridged. Second, I believe that Schnurer misunderstands the concept of “paradigm” as used in these discussions. He states that debate “paradigms are boundaries drawn to include and exclude certain types of behavior. At their most mundane, debate paradigms establish the ‘rules’ that encircle the activity of debating.” He offers no supporting documentation for this claim. Thomas Kuhn (1962, p. viii) has noted that paradigms set the stage for discussions, but are not controlling, in that they are “sufficiently open-ended to leave all sorts of problems for the redefined practitioners to solve.” Kuhn can be a bit confusing. I have found the work of Masterman (1970, p. 68) to be very useful. She notes that there are three sorts of paradigms, being philosophical, sociological, and construct paradigms. A debate paradigm would seem to be a construct paradigm. The construct paradigm is an instrument or tool for learning. The focus is what a paradigm can do to guide our actions (Masterman, 1970, p. 71). A construct paradigm is a “way of seeing” and helps guide us in how we understand a given situation or organize a set of data. She (Masterman, 1970, p. 78) sees the Kuhnian construct paradigm as a starting point or “research vehicle.” It is a beginning for theory, an analogy we can employ in understanding a process such as academic debate. It is not an iron set of rules, but a perspective. As I noted in my first publication (Snider, 1980, p. II-2) on this subject, “At a more abstract level, a paradigm can be understood as a ‘Weltanschaung,’ or way of viewing the world, a perspective on reality. At a more functional level, a paradigm can be a specific means of approaching and solving problems, a means of interacting with the world. A paradigm is a framework within which to function, and through which to better understand experience.” A paradigm is a beginning for theory, an analogy we can employ in understanding a process such as academic debate. These understandings are quite different from those of Schnurer. Third, Schnurer seems to glorify the flaunting and breaking of rules. He wants to “agitate the gamers, and push them to look beyond the game and consider breaking even the most solid rules.” Gaming operates to “limit the revolutionary potential” of debate because it urges participants to follow rules. What we need is a “wild emancipation from traditional structures, far beyond conventional morality.” Gaming, he notes, “does not bring us forward in direct revolutionary thinking.” He longs for a world and a debate activity more like the revolution in Paris of May 1968 than a standard debate tournament. I am opposed to a game of debate, or a world, where there are too many rules. It is clear that in debate the “rules” (about which there can be no argument) are few, including the time limits, the wording of the topic, and the identity of the speakers. Which of these rules would he have us throw aside? All of the rest resides in the world of “procedures,” common practices that are still open for debate and disputation. In a world of too many rules Schnurer calls for a revolution, violent if necessary. My purpose here is to discuss debate, not to plan a coming revolution. I do believe that **debate prepares citizens to enact social change in the future**, but I also hope that words will be our means, not weapons. Otherwise we would have to add a “physical combat” challenge to our debate formats. The “rules” of debate are not so constricting, and the relevance of procedures

 (common understandings that can be challenged at any time, such as the role of the topic in the debate) teaches students to **question** major guidelines, **not to obey them blindly**. I would defend a game with **limited rules and debatable procedures**, **not** an activity in which all rules should be boldly disregarded and violated. Just as Schnurer probably has limits to what is acceptable in his classroom, there **should be some limits** to in a debate. Understanding this difference between us might aid the reader in determining why we disagree in order that they can come to their own conclusions. Fourth, Schnurer seems fascinated by the strategies and approaches of the Situationists embodied in the “revolution” that took place in Paris in May 1968, and he describes it as “the most powerful expression of malaise against the increasingly wealthy industrial world.” He notes that they “succeeded in creating a revolution.” I find this to be an entertaining and romantic vision, but not necessarily a valid one. If Paris in May 1968 is his “paradigm” for revolutionary potential in debate I am not a supporter. This would seem to be Schnurer’s paradigm model for his revolutionary and activist debate. This sort of Situationist revolution is neither “real” nor productive, and is guilty of many of the same errors that Schnurer attaches to “debating” as opposed to “acting.” Dirk Jan van Baar (1998) wrote: May, 1968 was not a `real' revolution. The students ‘played’ revolution. It was the last attempt of Paris to justify itself as the ‘revolutionary centre’ of the world. But the French were lagging behind, the ‘counter-culture’ commercialized and globalized, and were not really interested in leftist ideology. Playing the revolution was fun, not serious stuff. The generation of 1968 contributed — contrary to its own aims — to the further Americanization of Europe (France). Today's revolutions that really matter — such as the imaginative revolutions in Information Technology — are more virtual , and can do without Paris. It is not the “riots in Paris, with upended cars” that have the most real impact for change, but the “virtual” revolutions that take place inside the minds of individuals, something that happens regularly through debate participation. Absent those changes inside individuals, there is little that changes the system Schnurer so decries. What were the results of Paris, May 1968? Maoist spokesperson MC5 (1995) asked the right questions when writing, “How did a movement so strong turn around so suddenly and then vote DeGaulle back into power? How did so little get left behind from this "revolution"? The romantic aura of 1968 is retraced repeatedly, fueling book and coffee-shop sales.” This is hardly a conservative evaluation of a supporter of the present system, but a pro-revolutionary perspective. Schnurer needs a better paradigm case for debate as agent of revolutionary change than repeating this romantic notion. Fifth, Schnurer ignores the realities that can emerge from what we do here on the “playing fields of earth.” Schnurer wants debate activities to be direct and immediate processes of revolutionary change. He decries a debate that is “teaching students to passionately plead for change in an empty room.” He notes that “Debate as a model can only create more debate, and so long as our goal for debate is more debate, then we will never emerge to challenge the larger forces of control.” Schnurer comments that, “Debaters who are moved by poetry are encouraged to bring that poetry back to the debate realm – not to become poets.” In a footnote he mentions two talented debate poets. I believe that their poetic training through debate, using poetry to address social ills and solutions, will **undoubtedly bridge over into their lives**. Lana Langsweirdt did not get poetry from debate; she brought her poetic voice to the debate situation and **developed it** into a very powerful method. Now that she has graduated I know she is taking that newly refined poetic voice with her to be a powerful tool in her chosen field. Yet, Schnurer, who encouraged her poetic move so much, now seems to believe that it will not leave the debate forum. **I disagree**. It goes with her wherever she goes. Likewise, **all** of the **debate skills students develop move along with them into** what Schnurer might feel is **a much more “real” environment**. It seems clear to me that real social change comes from **skilled**, **thoughtful**, and **practiced** human agents. Simple anger and malaise may upend and burn a few cars in Paris, but it takes a **lot more than that** to create a new and better world. The point of the gaming approach is that it does not envision the debate itself as a way to create immediate change, but as a way to **train individuals** in critical thinking, communication, and issue discovery so that they can make a difference after they stop engaging in the game of debate. Student debaters **do not hover endlessly** in the game of debate, they **graduate and move on** to lives and careers outside of the game. Yet, they **take with them** the skills they have learned. **We do not need unskilled and uncritical revolutionaries**; we need able and thoughtful citizens to form a new and better future. By demanding that the game of debate also become direct action Schnurer **denies them the training** in a safe place that can facilitate later success. The real change in our world and our societies comes when the change begins inside of the citizens themselves. Changes in cognitive consciousness have far more to do with changing actual situations than simple changes in governments or romanticized riots in the street. The game of debate gives students **a space to practice**, over and over again, new ways of thinking and the skills to share those thoughts. Schnurer seems to concur in his conclusion when he writes, “perhaps it is not the game, but the players who have not yet made their move.” Sixth, “Potlatch” may have more in common with the game of debate than Schnurer realizes. The game of debate is a process by which participants offer their lofty ideas, goals, and proposals for exchange and mutual analysis. Borrowing the rhetoric of Hussey used by Schnurer, academic debate is also a “living moment of poetry” that “breaks down and reverses conventional chronological patterns.” Academic debate offers arguments as “gifts,” often lofty and sometimes utopian. These gifts can easily be seen as a “catalyst of the future in the form of a crystallization of desire.” The rhetoric of Debord also makes this point, that the game “is able to distribute” “novel desires and problems” and creates a process where “only the further elaboration of these by others can constitute the corresponding return gift.” Both Hussey and Debord are describing “Potlatch,” but it seems to me to be very much like the game of debate I have been describing for over twenty years. Schnurer cites Douglas (2002, p. 24) to show that games make us retreat into the hyper-real. It is interesting to note that the article cited deals with computer games and the study of digital play experiences, not physically manifested games against real people. Douglas indicates that these are new, different, and more potent experiences than fiction, film, or other forms of narrative. This is made clear by the sentence coming immediately after Schnurer’s footnote ends, which reads, “As Lara Croft's creator puts it, ‘The whole Tomb Raider world is utterly dependent on Lara's size and animations. The distance she can jump, reach, run forward and fall are set variables. In this way, her world is designed for her to exist in.’” This is the world of the hyper-real, where we descend into an alienated landscape of pre-programmed adventure. Contrast this with the debate, a social world, where the opponents are very real, very human, and ultimately unpredictable. There is no reset button for any debate. Debate is a contest between people as social beings, **not an escape into the hyper-real of Beaudrilliard**. Maxwell Schnurer is a gifted, insightful, and inspiring debate professional. His efforts to promote debate in the public sphere and to help debaters and teachers move more easily into political activism are impressive and I strive to imitate him in these regards. His thesis, however, that gaming as a concept strips debating of its revolutionary potential, is **incomplete**. The game of debate is a training ground for future action for social change, first and foremost. His vision of a revolutionary debate where all rules are gleefully violated in a forensic reenactment of Paris in May, 1968 would damage the ultimate potential debate training has for real citizenship, social evolution and change. We need trained and tested actions and decisions, not spontaneous revolution. The concludinjg paragraph of my opriginal essay expresses my opinion on this issue.