## 1NC

### 1NC OFF

First off is T

#### ‘Prohibiting’ a practice requires per se illegality.

Lee Mendelsohn 6, Director at Edward Nathan, “KIPA Conduct Amounts to Price Fixing”, Business Day (South Africa), 6/12/2006, Lexis

The first step in any competition law analysis is to define the relevant market. There are two components to an analysis of the relevant market, namely the relevant product market and the geographic market.

The relevant product market consists of those products and services that operate as a competitive constraint on the behaviour of the suppliers of those products and/or services.

The relevant product market is determined by ascertaining whether a small but significant non-transient increase in pricing of the product in question would cause buyers to substitute the product with another product or would cause suppliers of other products to begin producing the product in question.

The relevant geographic market is determined by ascertaining whether a small but significant non-transient increase in pricing of the product in question would cause buyers to purchase the product from other geographic areas, alternatively suppliers of the product in other geographic areas to supply those products into the area in question.

For the purposes of this case study, we are instructed to accept that each medical speciality constitutes a relevant product market and that the relevant geographic market for each of them is Kleindorpie.

The Competition Act provides that "an agreement between, or concerted practice by, firms, or a decision by an association of firms, is prohibited if it is between parties in a horizontal relationship and if … it involves … directly or indirectly fixing a purchase or selling price or any other trading condition".

An "agreement" is defined as including a contract, arrangement or understanding, whether or not legally enforceable. The term agreement is very widely defined. A "horizontal relationship" is defined as a "relationship between competitors".

The prohibition on the fixing of a purchase or selling price or any other trading condition is one of the so-called "per se" prohibitions which are included in our Competition Act. The prohibition is automatic and absolute and the fixing of prices or other trading condition cannot be justified on the basis of any technological, efficiency or other procompetitive gains that could outweigh the potential anticompetitive effect of the fixing of the price or trading condition. If the capitation plan of KIPA falls within the restrictive horizontal practice prohibiting price fixing and the fixing of other trading conditions, such practice will be a contravention of the act.

#### Vote neg for limits—too many distinct standards require huge numbers of case negs—topic becomes unmanageable

### 1NC OFF

Next off is politics

#### B3 passes now

Stamper, 1/31

(Dustin, Managing Director at Grant Thornton, "BBB talks to restart as Biden concedes package cuts," 1/31/22 <https://www.grantthornton.com/library/newsletters/tax/2022/hot-topics/feb-01/bbb-talks-to-restart-as-Biden-concedes-package-cuts.aspx> NL)

Lawmakers are starting negotiations over a smaller reimagined version of the Build Back Better reconciliation bill after President Joe Biden conceded that they will need to break the package up to “get as much as we can now, and fight for the rest later.” Biden acknowledged that he may have to sacrifice key priorities—such as the child tax credit and increased spending on social community colleges—in order to get agreement from Sen. Joe Manchin, D-W.V. This could still leave room for a substantial package that includes major tax provisions. Biden noted there is broad support for pre-K funding, significant climate investments (including tax credits), and health care reform, funded by tax increases. Procedurally, Democrats are still looking to pack as many priorities as possible into a single reconciliation bill that can pass both chambers. House Speaker Nancy Pelosi, D-Calif., stated that Democrats can’t simply divide the bill up because any pieces moving outside of reconciliation will need 60 votes in the Senate. The tax title of an updated reconciliation bill could include international reform, alternative energy credit extensions and enhancements, IRS funding increases, and other revenue raisers. The Biden administration will likely be pushing to enact proposed changes to the deduction for foreign-derived intangible income, the tax on global intangible low-tax income, and the base erosion and anti-abuse tax to bring the U.S. in line with the global minimum tax agreement brokered by the administration.

#### The plan drains PC—it’s zero sum

Carstensen, 21

(Peter C. Carstensen Fred W. & Vi Miller Chair in Law Emeritus, University of Wisconsin Law School "THE “OUGHT” AND “IS LIKELY” OF BIDEN ANTITRUST," Feb 2021 <https://www.concurrences.com/en/review/issues/no-1-2021/on-topic/the-new-us-antitrust-administration-en#adelstein> NL)

14. Similarly, despite bipartisan murmurs about competitive issues, the potential in a closely divided Congress that any major initiatives will survive is limited at best. In part the challenge here is how the Biden administration will rank its commitments. If it were to make reform of competition law a major and primary commitment, it would have to trade off other goals, which might include health care reform or increases in the minimum wage. It is likely in this circumstance the new administration, like the Obama administration’s abandonment of the pro-competitive rules proposed under the PSA, would elect to give up stricter competition rules in order to achieve other legislative priorities. 15. Another key to a robust commitment to workable competition is the choice of cabinet and other key administrative positions. Here as well, the early signs are not entirely encouraging. In selecting Tom Vilsack to return as secretary of agriculture, the president has embraced a friend of the large corporate interests dominating agriculture who has spent the last four years in a highly lucrative position advancing their interests. Given the desperate need for pro-competitive rules to implement the PSA and control exploitation of dairy farmers through milk-market orders, the return of Vilsack is not good news. Who will head the FTC and who will be the attorney general and assistant attorney general for antitrust is still unknown, but if those picks are also centrists with strong links to corporate America the hope for robust enforcement of competition law will further attenuate! 16. In sum, this is a pessimistic prognostication for the likely Biden antitrust enforcement agenda. There is much that ought to be done. But this requires a willingness to take major enforcement risks, to invest significant political capital in the legislative process, and to select leaders who are committed to advancing the public interest in fair, efficient and dynamically competitive markets. The early signs are that the new administration will be no more committed to robust competition policy than the Obama administration. Events may force a more vigorous policy—I will cling to that hope as the Biden administration takes shape.

#### Extinction

Blinken, 21

(Antony J.; U.S. Secretary of State, “Tackling the Crisis and Seizing the Opportunity: America’s Global Climate Leadership,” <https://www.state.gov/secretary-antony-j-blinken-remarks-to-the-chesapeake-bay-foundation-tackling-the-crisis-and-seizing-the-opportunity-americas-global-climate-leadership/>, //pa-ww)

Well, good afternoon, everyone. And Will, thank you for a wonderful introduction. And thank you for lending us this absolutely spectacular setting and backdrop – certainly the best setting and backdrop I’ve had in my brief tenure as Secretary. And thanks so much to the Chesapeake Bay Foundation for your lasting commitment to save the Bay. The Chesapeake Bay was formed nearly 12,000 years ago by melting glaciers. Today, it stretches 200 miles and is home to over 3,600 species of plants and animals. A hundred thousand rivers and streams feed over 50 billion gallons of water into the Bay every single day. More than 18 million people live in the watershed, and many rely on it for their livelihood. The local seafood industry alone provides some 34,000 jobs and nearly $900 million in annual income. And yet, as Will alluded to, warming temperatures caused by human activity are transforming the Bay. Its water is rising. And the land – including where I stand right now – is sinking due to the melting of the glaciers that formed the Bay. If this continues at the current pace, in just 80 years, the Bay will extend inland for miles, overtaking the homes of 3 million people, destroying roads, bridges, farms. Many of the Bay’s plants and animals will die out. So will the fishing industry. To my children’s children, the landscape will be unrecognizable. We have to stop this from happening while we still can. That’s why President Biden took steps to rejoin the Paris Agreement right after taking office, and named Secretary Kerry as our nation’s first Special Presidential Envoy for Climate to lead our efforts around the world. It’s also why President Biden invited 40 world leaders to Washington this week for a summit on climate. And it’s why the Biden-Harris administration will do more than any in history to meet our climate crisis. This is already an all-hands-on-deck effort across our government and across our nation. Our future depends on the choices we make today. As Secretary of State, my job is to make sure our foreign policy delivers for the American people – by taking on the biggest challenges they face and seizing the biggest opportunities that can improve their lives. No challenge more clearly captures the two sides of this coin than climate. If America fails to lead the world on addressing the climate crisis, we won’t have much of a world left. If we succeed, we will capitalize on the greatest opportunity to create quality jobs in generations; we’ll build a more equitable, healthy, and sustainable society; and we’ll protect this magnificent planet. That’s the test we face right now. Today, I want to explain how American foreign policy will help us meet that test. Not too long ago, we had to imagine the impact of climate change. No one has to imagine it anymore. For the last 60 years, every decade has been hotter than the one that came before it. Weather events are becoming more extreme. During the cold wave this February, temperatures from Nebraska to Texas were more than 40 degrees below normal. In Texas alone, thousands were left homeless, over 4 million people went without heat and electricity, more than 125 people died. It may seem counterintuitive that global warming leads to cold weather. But as the Arctic warms, cold weather gets pushed south. And that can contribute to record cold spells like the one in Texas. The 2020 wildfire season burned more than 10 million acres. That’s more than the entire state of Maryland. We saw five of the six biggest wildfires in California’s history, and the single biggest wildfire in Colorado’s history. Together, natural disasters in 2020 cost the United States around $100 billion. Meanwhile, 2019 was the wettest year on record for the lower 48 states. Heavy rains and floods prevented farmers in the Midwest and Great Plains from planting 19 million acres of crops. And from 2000 to 2018, the American Southwest experienced its worst drought since the 16th century – the 16th century. We’re running out of records to break. The costs – in monetary damage, livelihoods, human lives – keep going up. And unless we turn this around, it’s going to get worse. More frequent and more intense storms; longer dry spells; bigger floods; more extreme heat and more extreme cold; faster sea level rise; more people displaced; more pollution; more asthma. Higher health costs; less predictable seasons for farmers. And all of that will hit low-income, black and brown communities the hardest. The last part’s important. The costs of the climate crisis fall disproportionately on the people in our society who can least afford it. But it’s also true that addressing climate change offers one of the most powerful tools we have to fight inequity and systemic racism. The way we respond can help break the cycle. These are all reasons why we must succeed in preventing a climate catastrophe. But the world has already fallen behind on the targets we set six years ago with the Paris Agreement. And we now know those targets didn’t go far enough to begin with. Today, the science is unequivocal: We need to keep the Earth’s warming to 1.5 degrees Celsius to avoid catastrophe. America has a key role to play in hitting that mark. We only have around 4 percent of the world’s population, but we contribute nearly 15 percent of global emissions. That makes us the world’s second biggest emitter of greenhouse gases. If we do our part at home, we can make a significant contribution to addressing this crisis. But that won’t be enough. Even if the United States gets to net zero emissions tomorrow, we’ll lose the fight against climate change if we can’t address the more than 85 percent of emissions coming from the rest of the world. Coming up short will have major repercussions for our national security. Pick a security challenge that affects the United States. Climate change is likely to make it worse. Climate change exacerbates existing conflicts and increases the chances of new ones – particularly in countries where governments are weak and resources are scarce. Of the 20 countries the Red Cross considers most vulnerable to climate change, 12 are already experiencing armed conflicts. As essential resources like water dwindle, as governments struggle to meet the needs of growing populations, we’ll see more suffering and more strife. Climate change can also create new theaters of conflict. In February, a Russian gas tanker sailed through the Arctic’s Northern Sea Route for the first time ever. Until recently, that route was only passable a few weeks each year. But with the Arctic warming at twice the rate of the rest of the global average, that period is getting much longer. Russia is exploiting this change to try to exert control over new spaces. It is modernizing its bases in the Arctic and building new ones, including one just 300 miles from Alaska. China is increasing its presence in the Arctic, too. Climate change can also be a driver of migration. There were 13 Atlantic hurricanes in 2020 – the highest number on record. Central America was hit especially hard. Storms destroyed the homes and livelihoods of 6.8 million people in Guatemala, Honduras, and El Salvador, and wiped out hundreds of thousands of acres of crops, leading to a massive rise in hunger. Months after the storms, entire villages are still subsumed in mud, and people are carving off pieces of their buried homes to sell as scrap metal. When disasters strike people who are already living in poverty and insecurity, it can often be the final straw, pushing them to abandon their communities in search of a better place to live. For many Central Americans, that means trying to make it to the United States – even when we say repeatedly that the border is closed, and even though the journey comes with tremendous hardships, especially for women and girls who face heightened risk of sexual violence. All of these challenges are placing greater demands on our military. The U.S. Naval Academy is only five miles north of here, and Naval Station Norfolk, the largest naval base in the world, about 200 miles to the south. Both bases – and the critical missions they support – face an imminent threat from climate change. And these are just two of the dozens of military facilities that climate change puts at risk. What’s more, our military often responds to natural disasters, which are getting more frequent and more destructive. In January, Secretary of Defense Austin announced that the military would immediately integrate climate change into its planning and operations and how it assesses risk. As Secretary Austin put it, and I quote, “There is little about what the department does to defend the American people that is not affected by climate change.” Having said all that, it would be a mistake to think about climate only through the prism of threats. Here’s why. Every country on the planet has to do two things – reduce emissions and prepare for the unavoidable impacts of climate change. American innovation and industry can be at the forefront of both. This is what President Biden means when he says, and I quote, “When I think of climate change, I think jobs,” end quote. To give you a sense of scale, consider that, by 2040, the world will face a $4.6 trillion infrastructure gap. The United States has a big stake in how that infrastructure is built. Not only whether it creates opportunities for American workers and businesses, but also whether it’s green and sustainable, and done in a way that’s transparent; respects workers’ rights; gives the local population a say; and doesn’t mire developing countries and communities in debt. That’s an opportunity for us. Or consider the massive investments countries are making in clean energy. Renewables are now the cheapest source of bulk electricity in countries that contain two-thirds of the world’s population. And the global renewable energy market is projected to be $2.15 trillion by 2025. That’s over 35 times the size of the current market for renewables in the United States. Already, solar and wind technicians are among the fastest growing jobs in America. It’s difficult to imagine the United States winning the long-term strategic competition with China if we cannot lead the renewable energy revolution. Right now, we’re falling behind. China is the largest producer and exporter of solar panels, wind turbines, batteries, electric vehicles. It holds nearly a third of the world’s renewable energy patents. If we don’t catch up, America will miss the chance to shape the world’s climate future in a way that reflects our interests and values, and we’ll lose out on countless jobs for the American people. Now, let me be clear: Goal number one of our climate policy is preventing catastrophe. We’re rooting for every country, business, and community to get better at cutting emissions and building resilience. But that doesn’t mean we don’t have a stake in America developing these innovations and exporting them to the world. And it doesn’t mean we don’t want to shape the way countries reduce their emissions and adapt to climate change. So how can we do that? We can start with leading by the power of our example. As we work to meet our ambitious climate targets, the following core principles will guide our approach. We will significantly increase our investment in clean energy research and development, because it’s how we will catalyze breakthroughs that benefit American communities and create American jobs. In all our climate investments, we will aim not only to promote growth, but also equity. We’ll be inclusive, focusing on providing Americans across the country – and from a range of communities – with good-paying jobs, and the opportunity to join a union. We’ll empower youth, not just because they will bear more of the consequences of climate change, but also because of the urgency, ingenuity, and leadership they’ve demonstrated in confronting this crisis. We will enlist states, cities, businesses large and small, civil society, and other coalitions as partners and models. Others have been doing groundbreaking work in this field for a long time. We’ll lift them up and share best practices. And this is important: We will be mindful that for all the opportunities offered by the unavoidable shift to clean energy, not every American worker will win out in the near term. Some livelihoods and communities that relied on old industries will be hit hard. We won’t leave those Americans behind. We’ll provide our fellow Americans with pathways to new, sustainable livelihoods, and support as they navigate this transition. Right after taking office, President Biden created the Interagency Working Group on Coal and Power Plant Communities and Economic Revitalization. It’s working across the government to identify and deliver federal resources to revitalize the local economics of coal, oil, gas, and power plant communities, and ensure benefits and protections for workers in those same communities. And as part of his American Jobs Plan, the President proposed a $16 billion upfront investment to put hundreds of thousands of people to work in union jobs plugging abandoned oil and gas wells and mines. If we can stay true to these principles while meeting our climate targets, we’ll demonstrate a model that other countries will want to partner with and follow. With those values in mind, here’s how the State Department will leverage our foreign policy to deliver for the American people on climate. First, we’ll put the climate crisis at the center of our foreign policy and national security, as President Biden instructed us to do in his first week in office. That means taking into account how every bilateral and multilateral engagement – every policy decision – will impact our goal of putting the world on a safer, more sustainable path. It also means ensuring our diplomats have the training and skills to elevate climate in our relationships around the globe. Now, what it does not mean is treating other countries’ progress on climate as a chip they can use to excuse bad behavior in other areas that are important to our national security. The Biden-Harris Administration is united on this: Climate is not a trading card – it’s our future. I am particularly delighted that President Biden named my friend John Kerry to serve as our Special Presidential Envoy for Climate. No one is more experienced or effective in convincing other countries to raise their climate ambitions. We need the whole world focused on taking action now, and through this decade, to promote the achievement of net-zero global emissions by 2050. I am with John 100 percent in this effort. The leaders of our other U.S. Government agencies, they are as well. And his leadership will be indispensable in weaving climate into the fabric of everything we do at the State Department. Second, as other countries step up, the State Department will mobilize resources, institutional know-how, technical expertise from across our government, the private sector, NGOs, and research universities to help them. In the last few weeks alone, we announced new funding for clean energy entrepreneurship and more efficient renewable energy markets in Bangladesh and to help India’s small businesses invest in solar energy. These investments move us toward our climate goals and bring energy access to people who had never had it before. Third, we’ll emphasize assisting the countries being hit hardest by climate change, most of which lack the resources and capacity to handle its destabilizing impacts. Now, that includes Small Island Developing States, a number of which are literally sinking into the ocean because of rising sea levels. In 2020, only 3 percent of climate finance was directed toward these countries. We’ve got to fix that. To that end, America is deploying experts and technology to vulnerable islands in the Pacific and the Caribbean to improve early warning and response systems, and we’re investing in building resilience in areas like infrastructure and agriculture. Fourth, our embassies will lead on the ground. They already are – helping governments design and implement climate-smart policies, while looking for ways to draw on the unique strengths of America’s public and private sectors. Just last month, the U.S. company Sun Africa broke ground on two massive solar energy facilities in Angola, including the 144-megawatt Biopio site. When finished, it will be the biggest solar facility in all of Sub-Saharan Africa. The project will provide enough power for 265,000 homes and eliminate 440,000 gallons of carbon-intensive diesel fuel that Angola imports and burns each year. Plus, this project is expected to use around $150 million in solar energy equipment exported from the United States. This effort is good for the Angolan people, good for climate, and good for American jobs and business. And it simply wouldn’t have happened if not for the efforts of our diplomats. Fifth, we will use all the tools in our kit to make U.S. clean energy innovators more competitive in the global market. That includes leveraging instruments like the financing provided by the Export-Import Bank to incentivize renewable energy exports; the proposed expansion of tax credits for clean energy generation and storage in the President’s American Jobs Plan; and the Administration’s ongoing efforts to level the global playing field for American-made products and services. Support like these can have an outsized impact, particularly because the current market for renewables is only a small fraction of the market to come. Beyond solar panels, wind turbines, batteries, there are more than 40 additional categories of clean energy, including clean hydrogen, carbon capture, and next-generation renewables like enhanced geothermal energy. No one has staked a dominant claim to these promising technologies yet. And, with a lift from our domestic and foreign policy, every one of them can be American-led and American-made. A Massachusetts start-up called Boston Metal shows how this can be done. The company pioneered a new process that can produce steel and other metals more efficiently and at lower costs, while also producing less pollution. Most of the U.S. steel sector already uses clean technologies, but the company’s CEO, a Brazilian immigrant, saw an untapped market in countries like Brazil, where Boston Metal is partnering with industry to replace older, dirtier ways of making steel. This company is creating good-paying, quality jobs in the United States. Steel is a $2.5 trillion global industry, and many of the world’s producers will need to make a similar leap. America can help them do it. Sixth, our diplomats will challenge the practices of countries whose action – or inaction – is setting the world back. When countries continue to rely on coal for a significant amount of their energy, or invest in new coal factories, or allow for massive deforestation, they will hear from the United States and our partners about how harmful these actions are. And finally, we’ll seize every chance we get to raise these issues with our allies and partners, and through multilateral institutions. At NATO, for example, there is consensus that we need to adapt our military readiness for the inevitability of climate change and reduce the reliance of the Allies’ forces on fossil fuels, which is both a vulnerability and a major source of pollution. I know that Secretary General Stoltenberg, who has called climate a “threat multiplier,” is as serious about addressing climate change as we are. We will convey a strong message to the meeting of the G7 next month, whose members produce a quarter of the world’s emissions. And I’ll also represent the United States at next month’s ministerial meeting of the Arctic Council, where I’ll reaffirm America’s commitment to meeting our climate goals and encourage other Arctic nations to do the same. All of these efforts, at home and abroad, will allow us to lead from a position of strength when the world comes together in November for the United Nations Climate Conference in Glasgow. I spend a great deal of my time focused on threats to America’s security and interests – aggressive actions by Russia or China, the spread of COVID-19, the challenges facing democracies. But an equally grave threat to the American people – and an existential one over the long term – can be seen right here, on the Chesapeake Bay, where the costs of climate change are already manifesting themselves. Yet from this very same place, we can also see examples of American innovation and leadership that – if taken to scale – can prevent a climate catastrophe and benefit American workers and communities. Maryland has committed to cutting the state’s emissions by at least 40 percent by 2030, and to 100 percent clean energy by 2040. Maryland also offers farmers strong incentives to plant cover crops, which help trap carbon dioxide. More than 40 percent of the state’s farmers are now using these crops. And countless others are doing their part to prevent climate change on the Bay – and often benefiting American jobs in the process. Just consider the Merrill Center building right here, from which I speak. When it opened 20 years ago, it was the first LEED Platinum Building in the entire world, a U.S. standard for energy efficiency that has since become the gold standard globally. Around a third of its energy comes from solar power. It uses 80 percent less water than most buildings its size. Nearly half of the building – the building materials, excuse me, came from within 300 miles. Its design saves $50,000 a year in energy costs alone. A newer facility the Chesapeake Bay Foundation built in 2014 is even more efficient, reflecting advances in American design and manufacturing. It produces more energy than it consumes, and all the water it uses is captured rainwater. Its solar panels come from Oregon, its wind turbines from Oklahoma. These solar panels and wind turbines are American-designed, American-owned, American-built. And people from around the world have come to study these buildings. It’s changes like these that will help preserve the Bay as we know it, and all of the communities and livelihoods that it sustains. This is the blueprint for American leadership on climate. Bringing together innovation from government and the private sector, communities and organizations. Not just meeting targets for controlling climate change, but doing it in a way that’s open, that’s a good investment, that creates opportunities for American workers. The climate crisis we face is profound. The consequences of not meeting it would be cataclysmic. But if we lead by the power of our example – if we use our foreign policy not only to get other countries to commit to the changes necessary, but to make America their partner in implementing those changes – we can turn the greatest challenge in generations into the greatest opportunity for generations to come. Thanks for listening.

### 1NC OFF

Next off is Cap:

#### Antitrust is fundamentally rooted in an idealization of market ordering as neutral. The aff is entrenched in law-and-economics thinking which privileges capital over workers and guarantees environmental destruction

Britton-Purdy, 20

(Jedediah, William S. Beinecke Professor of Law at Columbia Law School, David Singh Grewal, Professor of Law at Berkeley Law School, Amy Kapczynski, Professor of Law at Yale Law School, and K. Sabeel Rahman, Associate Professor of Law at Brooklyn Law School and President, Demos, “Building a Law-and-Political-Economy Framework: Beyond the Twentieth-Century Synthesis”, *Yale Law Journal, 129*(6), 1801-1802, (2020), https://heinonline.org/HOL/Page?handle=hein.journals/ylr129&div=36&g\_sent=1&casa\_token=&collection=journals)\\JM

B. The Law of the Economy Remade The many criticisms of this way of reasoning did not halt the influence of modern law and economics in legal thought. Law and economics spanned substantive areas of law, delivering a simplicity and method that any first-year student could learn and that a wave of dedicated scholarship on alternative fieldspecific idioms did little to displace. The result was far from a comprehensive defense of market ordering, much less one that overcame the many telling criticisms of the normative case for law and economics that issued in the 198os.59 Nonetheless, adherents of law and economics reorganized an array of legal fields. They did so using a variety of argument types, sometimes shifting among them. Arguments that idealize a version of market ordering as neutral and "good for us all," which would characterize the elevation of consumer welfare in antitrust law or efficiency reasoning in intellectual property, are market fundamentalist. Arguments to the effect that the state simply cannot be trusted to make substantive judgments about value and distribution on account of the dynamics revealed by public-choice theory take the form of market tragedy. Here, market-modeled insight reveals that the market is the best we can do, perhaps regrettably but ineluctably nonetheless. This style of argument persistently accompanied the more optimistic market-fundamentalist moves, enabling scholars and advocates to insist without fear of contradiction that economic policy deviating from market models would invite rent seeking. The combination of the first two supported a third, subtler style of argument: market hegemony simply assumed that "serious" law and policy thinking would adhere to market models, as in environmental law's focus on cost engineering to the exclusion of infrastructure investment and political engagement. The latter kinds of proposals simply have no place at the table, and raising them suggests the discrediting failure to understand that market reasoning provides the authoritative and exclusive way of engaging urgent questions. Antitrust law, our first example, was remade to address a drastically narrowed conception of the problem of monopoly.60 Market power was to be disciplined only when it interfered with consumer welfare, and sometimes, still more narrowly, only when it increased prices. 61 Historically, antitrust law and scholarship took a broader view: it emerged from a concern about the power of large corporate entities to influence politics and not just prices, and imposed structural limits and bright-line rules to guard against an array of possible political-economic implications of firm dominance.6 2 Replacing this political-economic version of antitrust, the field came to target a much narrower conception of market collusion. The result is a regime that privileges firms as favored instances of (vertical) coordination but repudiates certain forms of (horizontal) coordination among market participants and certain workers (such as independent contractors).63 In the name of supposed efficiency, antitrust now blesses mergers and big firms but restrains cooperation among Uber drivers and church organists. 64 This remade antitrust law has in turn helped to remake the corporate world, facilitating the substantial new forms of market concentration and priority for capital over labor that we previewed above. Intellectual-property law is another field that was remade -indeed, made by law-and-economics thinking. The term "intellectual property" itself was hardly used before the 196os, and its use exploded only in the 198os and 1990s.65 "Intellectual property" gathers together distinct legal regimes under the banner of information production. These regimes were once thought to be about scientific and technical advancement (patent), the cultivation of learning and culture (copyright), and the enforcement of standards of commercial morality (trademark and trade secrets). Each of these fields responded to a set of distinctive institutional contexts and sought to promote forms of flourishing that were measured against distinctive political values. But economic thinking - the notion that information has "public goods" qualities of nonrivalry and nonexcludability-joined these radically different legal regimes together into one subject and rendered the pursuit of efficiency their aim. It inaugurated a new language for debating the contours of these laws and redescribing some of their features in a manner that empowered rightsholders. Leading law-and-economics scholars tended-especially early on-to presume that stronger rights were good, applying a simplistic version of the command to internalize externalities, rather than any sophisticated analysis of information economics. 66 Critics concerned with overpropertization came to argue against these claims in the same efficiency-oriented register, in ways that subtly but consequentially shaped the debate and the law. The most powerful argument for "fair use," for example -the doctrine in copyright law that permits copying for criticism, commentary, and educational uses - became the argument that it resolved "market failures."6 7 Transaction costs were assumed to be the measure of the reach of this critical public safeguard, and a statute that marked out a set of uses that had much more to do with democratic citizenship and distribution was slowly (and, we might say, undemocratically) rendered responsive to arguments from efficiency.68 In a host of other domains, too, the law of intellectual property was subtly revised under the sign of a set of claims about efficiency, in ways that empowered corporate owners of intellectual property over workers and consumers and set the stage for today's extraordinary forms of platform power.69 Environmental law was also transformed, with enormous and perhaps irreparable consequences for the planet. The field emerged from a long history of legislation over public lands and natural resources that had always been closely engaged in questions of public value and collective identity: it was generally understood that making a landscape was part of making a nation. 7 Modern environmental law, constructed in a wave of legislation between 1970 and 1977, began amid legislative and popular debate over fundamental questions of political economy: what kind of human flourishing could be compatible with the flourishing of the larger living world?" By the 198os, however, both scholarship and policy were increasingly bound to public-choice models of legislation and cost-benefit assessment of policy.72 In recent decades, the looming climate crisis has met with scholarship and political initiatives shaped by the dominance of economic method: meditations on the public-choice challenges to climate action, or - at the outer limits of what we could be supposed to achieve -proposals to change the cost structure of the economy through a carbon tax or cap-and-trade initiative." Such scholarship is admirable in its constructive aim to guide a basic reorientation of the economy. But, it has steadily avoided the demand for massive public investment and reconstruction of infrastructure that characterized earlier interventions as fundamental as this one and that have emerged as necessary to any rapid transition to a sustainable economy.74 It has also avoided engagement with the fundamental questions of value that are necessarily implied in political judgments about what should count as "costs" and "benefits" in a reconstruction of the economy that is, by virtue of climate dynamics, also a global reconstruction of the natural world.71 Most fundamentally, it has also obscured from view the kinds of political mobilization that are essential for engaging these fundamental questions. In a host of other fields, similar moves have been made with varying degrees of success. In civil procedure, law and economics led to reforms, often at the state level, that reined in the plaintiffs' bar, limited class-action lawsuits, and empowered judicial "managerialism" 76 and, more recently, arbitration.7 7 In corporate law, the shift to an ideal of shareholder-value maximization, while not legally required, became hegemonic. 78 In international economic law, a neoliberal conception of cross-border activity gradually became dominant, institutionalized in the immediate post-Cold War context in new trade and investment treaties that served to limit the possibility of political interference with cross-border economic activity.79 In fields where law and economics came to dominate, it helped to turn legal scholars' attention persistently to certain questions. Law and economics centered the identification and elimination of transaction costs, channeling the Paretian utopia of Ronald Coase's famous frictionless plane of exchange-a kind of heaven, not of legal concepts (as Felix Cohen had wryly described classical legal liberalism) but of general equilibrium. The emphasis on externalities reframed the conflict among competing interests that had properly struck realists as central to law's concerns as a failure of accounting or pricing, a failure in properly rendering the boundaries of a potential transaction. Coase's point that a householder can harm a factory by reducing its profits just as a polluting factory can harm a downwind householder was familiar, of course, from Hale's description of all exchange as mutual coercion. The difference was that law and economics recast this relativizing not as the starting point for a judgment about power and legitimacy but as a nonproblem. We lost the ability to see certain commitments in our law-whether educational exceptions to copyright law, or commitments to clean air - as either reflecting or calling forth certain kinds of political values, or as taking a side in disputes that were inevitably struggles for power. That move, of course, was not neutral. It expressed a particular view of power and legitimacy, one that viewed market ordering as tending to diffuse and neutralize power and as earning legitimacy by producing both a wealthy society and an appropriately constrained state.

#### Capitalism is unsustainable, collapsing, and guarantees environmental extinction—resource depletion and pollution surpass tech advancements

Smith, 21

(Tony, Professor emeritus of Philosophy at Iowa State University, "The Deadly Metabolic Rift", Against the Current No. 211, March/April 2021, https://againstthecurrent.org/atc211/the-deadly-metabolic-rift/)

Monthly Review editor and University of Oregon professor of sociology John Bellamy Foster has written several books and numerous articles, beginning with Marx’s Ecology: Materialism and Nature (2000), exploring the relevance of classical Marxist thought to grasping today’s existential environmental crises. Co-author Brett Clark is professor of sociology and sustainability studies at the University of Utah. A small subset of the authors’ main claims will be highlighted here. (1) There is indeed “an existential crisis in the human relation to the earth.” (1) Over the last 10,000 years planetary conditions fluctuated within relatively narrow and stable boundaries. The entire history of settled human civilizations has unfolded in this “Holocene” period of our planet’s life. This period has now concluded. In a number of areas crucially important to humanity, these boundaries have been (or are about to be) transgressed: climate change, ocean acidification, stratospheric ozone depletion, nitrogen and phosphorus cycles, global freshwater use, changes in land use, biodiversity loss, atmospheric aerosol loading, and chemical pollution. (244) Human activity is the main causal factor explaining this development, leading earth scientists to refer to the new period as the “Anthropocene.” The authors of an important study cited by Foster and Clark warn that if the upper-range of projections of global warming were to occur it “would severely challenge the viability of contemporary human societies.”(1) When we recall how little has been done to prevent increased global warming, and how y-it is only one of the numerous planetary transformations imposing comparable risks on human societies, talk of an “existential threat” is fully warranted. (2) There is no “technological fix” for this existential crisis. The more intelligent representatives of capital do not deny that serious environmental challenges must be faced. For them, however, this is best done by working with capitalist markets and not against them. A carbon tax on polluting firms would give companies a strong market incentive to lower their costs by using technologies requiring fewer carbon emissions. Having to purchase rights to release carbon into the atmosphere in carbon markets would supposedly have the same effect, in their view. There are also calls for the state to support firms undertaking massive geoengineering projects, such as sending aerosols into the upper atmosphere to reflect away the sun’s rays before they increase the planet’s surface temperature. Another proposal is to install technologies capable of extracting and sequestering significant amounts of carbon from the atmosphere. As Foster and Clark remind us, technological change in capitalism tends to develop “greener” technologies without any special spur. Over the course of the industrial revolution, for example, each succeeding generation of steam engines became “greener” over time, burning less coal per unit of output than the one before. The total amount of coal burned in England increased nonetheless. (245) This “Jevons paradox” (named after the British political economist who first brought it to attention) is easily explained: the increase in the number of units produced overwhelmed the reduction of coal use per unit, leading to more coal being burned overall. Is there any reason to think that introducing technologies “greener” than those employed today won’t have a similarly paradoxical result? Investors in the stock market, whose pricing of oil companies’ stocks assumes that the last drop of oil in the ground will be profitably extracted, do not seem to think so. (243-4) Engineering Disaster Regarding geoengineering projects, Foster and Clark repeat the warning of many scientists that such unprecedented technological experiments would almost surely have pernicious consequences as harmful as the harms they are supposed to alleviate. (278) Further, their massive scale would leave few resources for other social needs. An infrastructure capable of handling annual throughput 70 percent larger than that handled currently by the global crude oil industry would be required, along with ridiculous quantities of water — 130 billion tons annually just to capture and store U.S. emissions. (280) Far from being a step towards socialism (as some techno-utopians of the left hold), government funded geoengineering would simply solidify an environmental industrial complex alongside the military industrial complex, the pharmaceutical industrial complex, and other complexes of big capital. (281-2) Finally, once again, climate change is only one way in which present environmental trends will soon “severely challenge the viability of contemporary human societies.” In all the other cases too the sorts of technologies that have been developed, and the ways they have been used, have been part of the story of how we got to the present “existential crisis.” Unless we figure out why that has been the case and eliminate that reason, to think we will be saved by technologies is to indulge in fantasy. (3) Capitalism is the fundamental cause of the existential crisis in the relation between humans and the earth. All living beings appropriate resources from their environment and all generate wastes back into their surroundings. For a species to successfully occupy an environmental niche, the rate at which it depletes resources from its ecosystem must correspond to the rate they are replenished, and the rate it generates wastes must be aligned with the rate wastes can be processed. When the social forms of capitalism are in place, neither condition is met, creating the metabolic rift between human society and its environment. Capitalist market societies are distinguished from other societies in that products generally take the form of commodities sold for a profit. Any capitalist producers who do not attempt to make as much profit as possible, as fast as possible, will find themselves losing market share to those who do, if not forced out of existence altogether. Making as much profit as possible, as fast as possible, generally means producing and selling as many commodities as possible, as fast as possible. This accelerated temporality is in tension with the temporality of our environment; resources tend to be depleted at a faster rate than they can be replenished, and wastes generated at a faster rate than they can be processed. From this standpoint the “Jevons Para­dox” is less a paradox than a general description of how capitalism works. Any environmental benefits from technologies using fewer natural resources or generating fewer wastes per unit of production necessarily tends to be overwhelmed by the increase in the number of commodities produced in response to the “Grow or die!” imperative so ruthlessly imposed by the demands of capital accumulation. From Local to Global Destruction In the early phases of capitalist development, environmental destruction was relatively localized. After a handful of centuries of global expansion, it has sucked in re­sources from the natural world and spewed out wastes on a global scale, creating a fundamental rift in the metabolic relationship between human beings and the earth that is our home.

#### Vote neg to endorse the commons – collective solidarity works and the only way to avoid extinction

Rose, 21

(Nick, Executive Director of Sustain: The Australian Food Network, PhD in Political Ecology from RMIT University, “From the Cancer Stage of Capitalism to the Political Principle of the Common: The Social Immune Response of “Food as Commons”.", *International Journal of Health Policy and Management* (2021), doi:10.34172/ijhpm.2021.20)

Mainstream policy proposals for a ‘Green New Deal’ have been premised on the basis that a ‘decoupling’ of material resource use, and associated pollution, from continued economic growth, is possible.54,55 This premise has in turn come under sustained attack in recent years, as efforts to articulate a ‘fair low-carbon transition’ have gathered pace.56- 58 Increasingly, the very notion of ‘growth’ itself has become problematised as being at the root of the crises we face. As John Barry puts it: “The green critique of orthodox economics must become a clearer critique of capitalism itself…Any planned economic contraction (in the developed world) as a response to climate change…must therefore be viewed for what this is and means: a transition away from capitalism since a non-growth/ degrowth capitalism is impossible as well as undesirable. Carbon-fuelled capitalism is destroying the planet’s lifesupport systems and is systematically liquidating them and calling it ‘economic growth’…A post-growth critique must necessarily lead to a post-capitalist alternative and related political and ideological struggle.”59 In the context of discursive and political struggles over endless and thus exponential economic growth, McMurty’s framing of ‘the cancer stage of capitalism’ has both explanatory and discursive power. McMurty insists that his framing is not a provocative metaphor or a rhetorical flourish. Rather, he argues that the ‘seven defining properties of a cancer invasion’ at the cellular level in an individual human being can also ‘be recognised at the level of global life-organisation [and that] this is the pathological core of our current disease condition [as a species].’9,60,61 The central proposition is that the exponential and metastisizing growth of capitalism, which takes place on the basis of relentless exploitation of human populations and ecosystems, mirrors in all essential respects the behaviour of cancer cells within an individual human body.61 An essential point for McMurtry is the inability of the host’s immune system to recognise the disease and respond effectively to it. This becomes the core of his argument that the ‘social immune system of the civil commons’ is perhaps the only mechanism available to humanity to save ourselves – and indeed the living planet – from the metastasizing political economy of contemporary capitalism.61 Capitalism as a form of social cancer afflicting humanity, yet which at the same time is internalised and naturalised as ‘normal’ even as its predations move us closer to ecosystem and thus social collapse, captures much that it is important about the contemporary situation. What is fails to identify is the ‘space-time compression’ of late capitalism described by David Harvey and Frederick Jameson, and the cultural and ideological consequences of the accelerated and distorted temporalities which thus characterise contemporary life.62,63 In the following passage, Joel Kovel succinctly explains the interplay between the dynamics of acceleration and commodification, and the cultural effects this produces: “The culture of advanced capital aims to turn society into addicts of commodity consumption, a condition ‘good for business’ and correspondingly bad for ecosystems. The evil is twofold, with reckless consumption leading to pollution and waste, while the addiction to commodities builds a society unable to comprehend, much less resist, the ecological crisis. Once time is bound in capitalist production, the subtle attunement to natural rhythms necessary for an ecocentric sensibility becomes thwarted. This allows the suicidal insanity of ever-expanding accumulation to appear as natural. People with mentalities warped by the casino complex are simply not going to think in terms of limits and balances, or of the mutual recognition of all beings. This helps account for the chorus of hosannas from presumably intelligent authorities at the nightmarish prospect of a doubling of economic product in the next twenty years.”29 If the accelerating biophysical and social contradictions of the capitalist food system were substantively manifesting a decade ago, the advent of the COVID-19 pandemic has brought them into sharp relief.64 Where-ever one turns, the pandemic and the responses to it reveal a fragile food system enmeshed in crisis. From extraordinary levels of food waste caused by supply chain disruptions, to sharply rising levels of food insecurity, to widespread injury and death resulting from exposure to the pandemic amongst highly exploited food system workers, to the origins of the virus itself linked in part to the global grain-livestock and factory farming complex, COVID-19 is a ‘wake-up call for the food system.’65-75 More broadly, the negligence with which governments in Europe, Britain and the United States handled the pandemic, leading to high rates of infection and death that would have been preventable had public health, rather than economic activity, been prioritised, led the British Medical Journal to accuse those in charge of ‘social murder.’76 It is important to note that while the burden of suffering in 2020 fell disproportionately on low-income sectors and people of colour, with as many as 500 million more people falling into poverty, the world’s billionaires experienced a bonanza year, with their collective wealth increasing by nearly $4 trillion.77 Having laid bare the cause of our social and ecological malady – capitalism in its cancer stage - the question becomes: what is to be done? Part 3: The Political Principle of the Common Proceeding from diagnosis to possible cure, McMurty sees cause for hope in what he calls the ‘social immune system of a consciously constructed [civil] commons of social life organisation and universal goods upon which the deeper and long-term development of humanity [has] always depended.’9 This ‘social immune system’ embraces the institutions and traditions that made life bearable and satisfying for growing numbers of working people emerging from the barbarity of early industrial capitalism. However, it is precisely these institutions and traditions that have been under sustained attack in recent decades.17 The reappearance of the commons can also be understood as a latter-day manifestation of Polanyi’s ‘double movement:’ the reassertion of ‘movements for social protection generated by the failure of the self-regulated market.’79 The last twenty years have seen a proliferation of literature valorising the return of the commons as a practice of creative resistance in the face of modern-day enclosures, such as privatisations and austerity budgets. 80-82 One of the leading commons theorists and advocates, David Bollier, describes the commons as ‘a wide variety of self-organised social practices that enable communities to manage resources for collective benefit in sustainable ways… As a system of [basic needs] provisioning and governance, commons give participating members a significant degree of sovereignty and control over important elements of their everyday lives.’83 Bollier thus argues that ‘these more equitable, ecologically responsible and decentralised ways of meeting basic needs represent a promising new paradigm for escaping the pathologies of the Market / State order and constructing an ecologically sustainable order.’83 Bollier, his co-theorist Silke Helfrich and others, build on the legacy of Elinor Ostrom in conceptualising and analysizing the ‘commons’ as a set of goods or common-pool resources such as ‘the commons’ in the form of land, or a digital commons in the form of opensource software.84,85 Bollier and others look to these emerging diverse practices and see in them to potential to transition to a ‘market/state/commons triarchy,’ in which the market persists but the state becomes a ‘partner state’ ‘assisting not just the market sector but also the commons sector, working to ensure its health and well-being.’84 While Bollier argues for the transformative potential of the commons as an ongoing process that may at some point displace the market as the dominant mode of economic exchange and interaction, this perspective assumes the persistence of the ‘market/state order’ for an indeterminate time. Further, while Bollier acknowledges the current close affinity between the market and the state, and that therefore the state will likely be unwilling to embrace its new role as a ‘Partner State,’ there is no adequate theorisation, based on an analysis of class forces, configurations of power relations, and the dynamics of contemporary capitalism and crisis, to explain how such a transition would actually occur. Such a theorisation, combined with a strategy is offered by Erik Olin Wright.86,87 Similar to the anti-totalizing Community Economies Collective forming in the wake of JK GibsonGraham’s scholarship,88 Wright posits that at any particular point in time, in any given society, there is not a singular totality of ‘capitalism,’ but rather a combination of capitalism (private ownership of the means of production and market allocation of resources), statism (state ownership of the means of production and state allocation of resources) and socialism (social ownership of the means of production and sociallycontrolled allocation of resources).87 While capitalism has been the dominant form in most places, certainly over the past 40 years, socialist economic and social practices are observable in forms such as worker-owned cooperatives, community land trusts, community supported agriculture and community gardens. These are embryonic expressions of post-capitalist or proto-socialist economic and social forms which, given the inherent contradictions and tensions within capitalist social relations and a broader conjuncture characterised by the need to take large-scale coordinated action to deal with climate change, as well as manage social tensions and conflicts arising from mass unemployment due to technological change, may over time have the systemic effect of not only ‘taming’ capitalism but also ‘eroding’ it and thus bringing about its transformation.87 Conversely, Wright explicitly rejects the feasibility or desirability of ‘smashing’ capitalism through a revolutionary rupture, arguing by reference to history that such ruptures have resulted in authoritarian states that in practice have been the antithesis of socialism defined as ‘pervasive economic democracy.’87 Silvia Federici provides a longer historical perspective, noting that ‘commoning is the principle by which human beings have organised their existence for thousands of years;’ and that to ‘speak of the principle of the common’ is to speak ‘not only of small-scale experiments [but] of large-scale social formations that in the past were continent-wide.’87 Hence a commons-based society is neither a utopia or reducible to fringe projects, and the commons have persisted despite the many and continuing enclosures, ‘feeding the radical imagination as well as the bodies of many commoners.’87 Federici acknowledges that commons and practices of commoning are diverse, that many are susceptible to cooptation and many are consistent with the persistence of capitalism; indeed some, such as charities providing social services (including foodbanks) during the years of austerity budgets in the United Kingdom (2010-2015), reinforce and stabilise capitalism.87 What matters to Federici is the character and intentionality of the commons as anti-capitalist, as ‘a means to the creation of an egalitarian and cooperative society…no longer built on a competitive principle, but on the principle of collective solidarity [and commitments] to the creation of collective subjects [and] fostering common interests in every aspect of our lives.’87 Federici’s analysis resonates with the political thought and proposals developed by Dardot and Laval in their 2018 work, ‘On Common: Revolution in the 21st century.’11 For Dardot and Laval, the common is likewise understood as a principle of political struggle, a demand for ‘real democracy’ and a major driving force behind the emerging articulation of a political vision and programme that transcends and overcomes the straitjacket logic of neoliberal ideological hegemony and its ‘policy grammar’ which appears to foreclose all alternatives and lock us forever into a capitalist realism in which ‘it is easier to imagine the end of the world than it is to imagine the end of capitalism.’89 Eschewing Bollier’s ‘triarchy’ of a market/state/ commons coexistence, Dardot and Laval argue for a politics of the common based on an engaged citizenry that directly participates and deliberates in all decisions which impact it, and in the process not merely transforms the institutions responsible for the management of services and allocation of resources, but creates new institutions and new ways of being in the world.11 Dardot and Laval describe this form of politics as ‘instituent praxis’: the common, they argue, is ‘not produced but instituted.’11 This acknowledges the conventional understanding of Ostrom, Bollier and others of ‘the commons’ as residing in the rules – the laws – that a community establishes for the collective management and use of shared resources, but extends it much further and in a more radical direction. The essence of the commons, they argue, is not in the goods per se such as land or a forest or a seed bank ‘held in common,’ but rather in the process of their establishment as well as the ongoing negotiation that will surround their use and governance. Hence, Dardot and Laval distinguish the commons from the ‘rights’ tradition of property, arguing that ‘the commons are above all else matters of institution and government…the use of the commons is inseparable from the right of deciding and governing. The practice that institutes the commons is the practice that maintains them and keeps them alive and takes full responsibility for their conflictuality through the coproduction of rules.’90 To ‘institute’ in this context should not be misunderstood as ‘to institutionalise [or] render official;’ rather it is ‘to recreate with, or on the basis of, what already exists.’ 90 This messy, conflictual and evolving process is what Dardot and Laval insist will ultimately bring about a revolution, not in the form of a violent uprising or insurrection, but rather through the ‘reinstitution of society’ via the transformation of politics and economy from its current state of ‘representative oligarchy’ to full participatory and deliberative democracy.11 Such a vision is premised on a mass politicisation of society; in effect a return of mass popular political contestation and a turn away from the postpolitical era of the neoliberal consumer.91-92 How do such theorisations translate to the food system, and its prospects for transformation? Some examples of food system initiatives potentially aligned with an anti- and post-capitalist trajectory, and as embodying dimensions of the commons to a greater or less extent, have been noted earlier. Silvia Federici, for example, identified ‘urban community gardens in particular as promising projects because [in some instances] they merge women’s emancipation, land redistribution and revolts against neoliberal capitalism.’93 In 2018, the Routledge Handbook of Food as a Commons was published as ‘the first comprehensive review and synthesis of knowledge and new thinking on how food and food systems can be thought, interpreted and practice around the old/ new paradigms of commons and commoning.’10 The editors and their contributing authors agree that the re-emergence of discourses and practices of reclaiming ‘the commons’ (notably as indigenous-led resistance to egregious processes of neoliberal privatisations such as the ‘water wars’ of Cochabamba, Bolivia in 1999-2000) has occurred in reaction to the increasing commodification of food and food systems, and the negative consequences of such commodification. The editors and contributors also share an overarching premise, namely the need to transcend the treatment of food ‘as a mere commodity’10 because inter alia such reductive economistic logic ~~is both blind and deaf to~~ ignores social injustice and inequality, as well as ecological devastation; and because the commodification of food – and food systems – forecloses any recognition of the non-monetised, or caring, elements of food (Chapters 2, 3 and 4).10 In their introductory chapter, the four editors define ‘commoning’ as a form of governance that: “differs from the market allocation mechanism based on individual profit maximization and state governance based on command and control. It demands new institutions, goal setting and forms of interaction, thereby forming the bedrock to support a new moral narrative, a new transition pathway, a new economic model and a new relationship with nature and the planet Earth…Commons are not about maximizing individual utilities, selfish individualism or legitimizing the use of force but rather collective decisions, institutions, property and shared goals to maximize everybody’s wellbeing” (emphasis added).10 There is a strong affinity between this articulation and Dardot’s and Lavel’s theorisation of the politics of the common as ‘instituent praxis,’ as outlined above. Vivero-Pol and his coeditors return to this reasoning in the conclusion, where they argue that the institution of a new governing paradigm – Food as a Commons – is not only desirable but essential, due to the manifest failures of both the commodified capitalist food system and the statist bureaucracy that enables it, to fulfil the basic task of feeding humanity on an equitable or sustainable basis.10 They go further, to argue that the commons should not be conceived of as merely a third civil society sector coexisting alongside the capitalist market and the state, but rather should be theorised and enacted according to a much more ambitious and transformative political-economic and cultural vision.

### 1NC OFF

Next off is T

#### Expansions to ‘core antitrust laws’ must apply economy wide---they don’t.

Gerber ’20 [David; October; Distinguished Professor of Law at Chicago-Kent College of Law, Illinois Institute of Technology; Oxford Scholarship Online, Competition Law and Antitrust, “What is It? Competition Law’s Veiled Identity,” Ch. 1, p. 14-15]

C. A Core Definition

The Guide uses the terms “competition law” and “antitrust law” to refer to a general domain of law whose object is to deter private restraints on competitive conduct. We look more closely at the terms:

1. “General”—The laws included are those that are applicable throughout an economy and thereby provide a framework for all market operations (there are always some exempted sectors). Laws dealing only with specific markets (e.g., telecommunication) do not play that role.

2. “Domain of Law” here refers to a politically authorized set of norms and the institutional arrangements used to enforce them.

Is it law—or is it policy? The relationship between “competition law” and “competition policy” is not always clear. Often the terms are used interchangeably, but there can be important differences between them. Both can refer to norms used to combat restraints on competition, but they represent two different ways of looking at the relevant laws, and the differences can influence how norms are interpreted and applied. “Law” implies that established methods of interpretation are used to interpret and apply the norms and that established procedures are the sole or primary means of enforcing and changing the norms. In this view, the norms are a relatively stable component of a legal system. Thinking of those same norms as “policy,” on the other hand, implies that they are a tool of whatever government is in power and that it can use and modify them as it wishes.

3. “Restraint” refers to any limitation imposed by one or more private actors that reduces the intensity of competition in a market.

4. “Competition” refers to a process by which firms in a market seek to maximize their profits by exploiting market opportunities more effectively than other firms in the market.

#### Vote neg for limits—endless number of sectors make case negs impossible.

### 1NC OFF

Next off is clog:

#### Antitrust litigation is complex and resource intensive—trades off with other judicial commitments

Warren ’15 [Daniel; 2015; JD from the Boston University School of Law, BS from Ohio State University; Review of Banking and Financial Law, “Stress Fractures: The Need to Stop and Repair the Growing Divide in Circuit Court Application of Summary Judgment in Antitrust Litigation,” vol. 35]

A. Summary Judgment Can Cut Short Extreme Costs Antitrust litigation can involve enormous discovery costs, particularly when antitrust litigation overlaps with class action litigation. Due to the wide scope of many antitrust claims, discovery can implicate a broad range of documents, records, interrogatories, and depositions. In fact, "[s]trategically minded" plaintiffs can take advantage of antitrust law's "onerous discovery costs" by requiring the defendant "to respond to wide-ranging interrogatories, produce documents, and prepare for and defend depositions" with only a "facially plausible allegation" of an antitrust violation. These costs can take a very large toll on both large and small businesses. The legal hours necessary to answer and address discovery challenges can also impose extreme costs. Plaintiffs can often use discovery costs as a weapona against defendants in antitrust litigation. The Seventh Circuit Court of Appeals stated that "antitrust trials often encompass a great deal of expensive and time consuming discovery and trial work" in explaining that the "very nature" of antitrust litigation should encourage summary judgment. The court's language here supports the idea that in antitrust litigation, summary judgment has a special value, greater even than its normal use in other areas of the law. Summary judgment can be used to cut short lengthy litigation where parties have already accrued extreme costs from discovery and one party still cannot produce a genuine issue of material fact. In antitrust litigation, the value of summary judgment to mitigate discovery costs through shortening litigation is elevated to a special importance even greater than normal for three reasons. First, antitrust litigation normally involves large organizations, which magnifies the costs of those firms going through the discovery process. Large firms have a great number of involved employees and departments, all of which would likely be subject to the broad discovery that is characteristic of antitrust litigation. Summary judgment, though normally considered after discovery, is a procedural weapon available at nearly any point in this process, as "a party may file a motion for summary judgment at any time until 30 days after the close of all discovery." The existence of a stay for extension of discovery shows that summary judgment need not automatically wait for discovery's completion, and thus can be an invaluable safeguard against otherwise incredibly costly discovery. This safeguard allows summary judgment to be a powerful tool to radically lower discovery time and costs without "railroad[ing]" the other party. Second, antitrust litigation is normally a slow process that takes a great deal of time. The amount of time necessary to process and review evidence produced by discovery leads to incredible legal costs, often disproportionately placed on the defendant firm. The plaintiff has the advantage over the defendant in deciding the scope of discovery costs, and may often tailor its claim in such a way as to avoid the discovery costs that a defendant's counterclaim may reflect back on the plaintiff. These lengthy trials can be effectively truncated by summary judgment, and thus summary judgment's normal value is even greater in the world of antitrust litigation where protracted trials are the norm. Finally, the vast amount of evidence necessary to prove the elements of an antitrust claim contribute to the large discovery costs tied to antitrust litigation by overwhelming judges' ability to reign in discovery costs. Currently, we rely on judges to limit the range of discovery requested, but in the context of antitrust litigation, judges have difficulty dealing with the broad variety of evidence that may be called for. One analysis of the power of discovery described it as a costly and potentially abusive force, and determined judges' abilities to limit discovery costs on their own as "hollow" at best: A magistrate supervising discovery does not--cannot--know the expected productivity of a given request, because the nature of the requester's claim and the contents of the files (or head) of the adverse party are unknown. Judicial officers cannot measure the costs and benefits to the requester and so cannot isolate impositional requests. Requesters have no reason to disclose their own estimates because they gain from imposing costs on rivals (and may lose from an improvement in accuracy). The portions of the Rules of Civil Procedure calling on judges to trim back excessive demands, therefore, have been, and are doomed to be, hollow. We cannot prevent what we cannot detect; we cannot detect what we cannot define; we cannot define "abusive" discovery except in theory, because in practice we lack essential information. Even in retrospect it is hard to label requests as abusive. How can a judge distinguish a dry hole (common in litigation as well as in the oil business) from a request that was not justified at the time? Summary judgment can also reduce costs to both parties by reducing time and discovery costs to the parties, and to the judicial system itself, by cutting short lengthy litigation. Both sides often incur costs from employing experts in various areas, researching and producing evidence necessary to prove or disprove elements of antitrust actions, and in the great many legal hours necessary for both plaintiffs and defendants--not to mention costs to the state--during lengthy litigation that is often fruitless due to an "incentive to file potentially equivocal claims." Antitrust law is structured in such a way as to have a "special temptation" for what would otherwise be frivolous litigation. As antitrust law is, by its very nature, between competitors, there is significant motivation to force costs on to other firms, perhaps even through frivolous legal claims or intentionally imposing other large legal costs. Costs can also multiply in antitrust litigation because antitrust actions are often combined with other particularly complex areas of law, such as patent law or class actions. Class actions particularly in the antitrust context can make trials "unmanageable." Combining two already complex areas of law is a recipe for large legal costs and prolonged litigation. The value of cutting costs short cannot be overstated, as antitrust litigation takes place in the arena of business competition. This means that firms are already engaged in close competition for antitrust cases to be relevant, and thus unnecessary costs can further distort the market.

#### Docket overload prevents efficient resolution of water disputes---that escalates conflict over climate-related shortages.

Perez ’19 [Vanessa; 2019; Associate Professor of Law at Texas A&M, Associate Research Professor at the Texas A&M Department of Agricultural Economics, J.S.D. from New York University, L.L.M. from the University of Chicago; Environmental Law, “Specialization Trend: Water Courts,” vol. 49]

I. Introduction

Definition of property rights is an essential solution to the tragedy of the commons 1 from which many of our natural resources suffer. The scholarship analyzing how property rights are created and how they evolve often takes for granted the enforcement of those rights. 2 Enforcement is key. Enforcement is a public good often, but not exclusively, provided by [\*589] government. Enforcement takes many different forms: from ostracism in self-governed property rights systems to administrative agencies' resolutions and judicial decisions in formal property right systems.

This Article focuses on the last step in the enforcement of water rights: the courts. In particular, it analyzes whether the introduction of water courts is advisable in western United States. Currently, water rights are first enforced by administrative agencies, and the decisions of those agencies may be challenged in court. For example, a water rights holder may challenge a water agency's denial of a location change for their water right. 3 Additionally, private parties may bring claims against other water rights holders to court. Presently water cases are heard by generalist state courts. However, water law cases may unduly burden the dockets of those generalist courts. 4 Courts decide on many different areas and the complexity of the facts and the law in water law cases suggests that a different institutional design, one with specialized courts, may be more efficient. 5 The gains in efficiency will come from a faster, more accurate resolution of cases. 6

Specialized courts are quite common from a comparative perspective in areas as varied as corporate matters, tax issues, gender violence, administrative law, family law, or patents. 7 One such area is environmental law. Forty-two countries have specialized environmental courts. For example, India created the Green Tribunal in 2010, 8 New South Wales (Australia) has the Land and Environmental Courts that hear environmental and land use cases since 1979. 9 Sweden, in 2011, replaced property and environmental courts for a system of Land and Environment Courts which also hears water cases. 10

In the United States, the generalist judge is celebrated. 11 Judge Posner wrote in defense of the generalist judge in 1983. 12 While in 1990, the United States Judicial Conference qualified them as "exotic," 13 around that time the [\*590] Vermont Superior Court Environmental Division 14 and the Shelby County-Tennessee Environmental Court 15 were created. Setting aside the specialization of administrative law judges such as the United States Environmental Protection Agency administrative law judges or the environmental appeals board, 16 there are plenty of examples of specialized courts in the United States, such as bankruptcy courts or Federal Circuit Court of Appeals. 17

Water law has not been immune to specialization at the judicial level. Water law is similar to environmental law 18 and patent law because both the facts and the regulations are very complex. In fact, across the world, water issues have often prompted the establishment of environmental courts and tribunals. 19 In the United States, only Colorado has a system of water courts. 20 These courts have been in place since 1969 21 but, surprisingly, the literature about specialized courts has not paid much attention to these Colorado courts. In addition, some specialized courts, created to deal with the adjudication processes in the western states where water rights were not properly recorded, are becoming permanent courts of limited jurisdiction. 22 While there are few examples, water courts are not frequent. However, voices advocate for them. For example, in California, when drought strikes, there are often claims of the need for water courts. 23

This Article analyzes whether water law courts are a sound reform to deal with water rights disputes in an era of climate change which will inevitably make water disputes more common. Water courts compete with general courts as a forum for dispute resolution, but they also compete with market mechanisms or with political deal-making as alternative ways to [\*591] solve water conflicts. 24 A better system of judicial decision making should reduce the overall social costs of water conflicts.

In order to assess the suitability of water courts, the Article starts by analyzing the comparative advantages and disadvantages of specialized courts in relation to the current system of generalist courts. Second, it looks at some examples of existing water courts in the United States and beyond, namely the Water tribunal of Valencia, the South Africa Water Court, Colorado Water Courts, and the Montana Water Court. Third, the Article describes the trend towards specialization in water law judicial decision making and distills the characteristics that a water court should have and how those could also inform the establishment of other specialized judicial institutions for other natural resources.

II. Specialized Tribunals

Specialized courts are expected to make quicker decisions, reducing the workload of regular courts, and provide higher quality decisions, thus ensuring legal coherence and uniform judicial decisions. 25 Beyond these advantages that all scholars agree on, some works on specialized courts identify additional advantages. 26 The study Greening Justice about the potential for environmental courts lists visibility as an advantage. 27 The report understands environmental courts as a way to increase the public relevance of a subject because by creating these courts, the government shows that environmental issues are a topic of great importance. 28 The lessons offered here for specialized water courts can be translated to many other areas.

If all the above advantages were realized, private parties should favor specialized courts because they would greatly reduce the cost of doing business in the subject matter areas where those courts specialize. 29 Additionally, a trustworthy, respected judicial system is a key part of procedural environmental justice. 30 Some scholars consider specialized [\*592] courts as increasing public confidence 31 in the system, which in turn may enjoy greater legitimacy. 32 Subpart A below will focus on the two advantages that encompass all the additional ones listed in the current scholarship on the topic: celerity and quality of adjudication 33

### 1NC OFF

Next off is States:

#### The 50 states and all relevant sub-federal territories should prohibit anticompetitive practices by nucleus participants at the root layer of blockchains.

#### Solves the entire aff—Congress has devolved antitrust authority to the states

Harvard Law, 20

(Harvard Law Review, “Antitrust Federalism, Preemption, and Judge-Made Law,” JUN 10, 2020 133 Harv. L. Rev. 2557 NL)

Both the United States government and the governments of the fifty states use antitrust principles to regulate firms. A collection of federal statutes, first and foremost the Sherman Act,1 outlaws anticompetitive behavior under federal law. The federal executive branch, through the Federal Trade Commission (FTC) and the Department of Justice's Antitrust Division (DOJ), enforces the federal statutes.2 Meanwhile, each state has its own antitrust statutes outlawing anticompetitive behavior.3 The states' agencies enforce their own antitrust laws, and they can enforce federal antitrust law as parens patriae 4 for full treble damages thanks to the Hart-Scott-Rodino Antitrust Improvements Act of 1976 5 (Hart-Scott-Rodino). However, when state legislation itself produces anticompetitive effects that seem to violate federal antitrust principles, the state gets a free pass: "[A]nticompetitive restraints are immune from antitrust scrutiny if they are attributable to an act of 'the State as sovereign.' 6 Wherever the federal and state governments share regulatory authority, federalism concerns naturally follow. Federalism refers to the division, overlap, and balance of power between the federal and state governments in our federal system.7 The emergence of a strong national government since the New Deal has turned federalism into a statecentric concept about protecting the states' role in that balance.8 This state-centric federalism is partially baked into the Constitution: for example, the Tenth Amendment confirms that the Constitution reserves powers not delegated to the United States for the fifty states, 9 and some scholars have attributed a state-centric view of federalism to the Guarantee Clause.10 However, when, as with antitrust, the federal and state governments share concurrent regulatory authority, the Constitution alone cannot resolve the federalism-nationalism balancing act. Even when it is not a constitutional hurdle, federalism is still a relevant constitutional value. The Framers embraced federalism for its policy virtues,11 and contemporary judges and scholars laud federalism for its modern-day policy perks. 1 2 The Supreme Court often invokes federalism in the form of a presumption that Congress does not lightly intrude on state sovereignty.13 One example is the Court's presumption against preemption: a party alleging federal preemption of state law faces a judicial presumption that Congress did not intend to make that choice.14 That presumption is validated by Congress's choice to refrain from preempting state law in the antitrust arena: state and federal antitrust laws have coexisted since the federal government's first steps into the arena in 1890.15 This congressional restraint is controversial, and likely to grow more so. Some scholars have argued powerfully that Congress should preempt state antitrust laws. 16 These arguments may gain renewed prominence, as antitrust as a whole has recently achieved greater political salience than it has enjoyed in a century.1 7 In the state context, attorneys general have increasingly taken antitrust action in high-profile matters the federal government has declined to pursue. In 2019, states opposed the merger between Sprint and T-Mobile,18 and many began to investigate potential antitrust violations in Big Tech. 19 While some recent, high profile state antitrust actions have been brought under federal antitrust laws, 20 others have been brought under state law.21 Moreover, a number of the current state antitrust actions are at the investigatory stage22 \_ states could potentially bring federal claims, state claims, or both. Newsworthy state involvement in antitrust policing is bringing attention to the states' antitrust role more generally, and that attention will likely bring scrutiny to the oddity of America's competing antitrust systems. This Note argues that, in considering its position within this debate, Congress should grapple with federal antitrust law's peculiar status as a largely judicially created regulatory regime. Congress should be wary of allowing federal judge-made law to preempt state legislative power. Even when the federal government preempts state legislation, the federalism balance is partially preserved by democratic checks on federal power. Yet, when a nondemocratic branch is making the law, those checks disappear. Moreover, the federal judiciary is a uniquely poor policymaking body; its lack of policymaking chops does not support overriding states' policy choices. These factors highlight the need for Congress to account for the degree to which current antitrust law is largely judge made. Part I outlines the general landscape of antitrust federalism. It first describes antitrust federalism's three components and then surveys arguments for and against maintaining one of those components: the coexistence of state and federal antitrust laws. Following this survey, Part II offers a new defense of the current system: federal antitrust law's judge-made status makes it particularly unsuitable to preemption. Finally, Part III compares antitrust's judge-made law to other preemptive federal common law, concluding that federal antitrust preemption would be uniquely susceptible to Part II's criticism. I. THE ANTITRUST FEDERALISM LANDSCAPE Antitrust federalism, meaning the space carved out for the states in the more generally federal antitrust arena, can be thought of as made up of two "swords"- the first the states' ability to bring suit under federal antitrust law and the second their ability to enact and enforce their own state antitrust laws - and one "shield" - immunity from federal antitrust law for state actions. 23 The swords allow states to attack antitrust offenders, while the shield allows states to defend against federal antitrust action. All three elements of antitrust federalism find their roots in congressional action or the courts' interpretation of congressional inaction. The power to enforce federal antitrust law as parens patriae for full treble damages - the first sword - was granted to the states by Congress in Hart-Scott-Rodino. 24 On the judicial front, the Supreme Court acknowledged state immunity from federal antitrust actions - the shield - in Parker v. Brown,25 noting that the Sherman Act did not explicitly mention its application to state action. 26 Finally, when the Court confirmed that states' ability to make their own antitrust laws - the second sword and the one discussed in this Note - was not preempted in California v. ARC America Corp.,2 7 it considered the same Sherman Act silence. 28 This is all to say that antitrust's federalism tools are congressionally, not constitutionally, given rights and are therefore congressionally rescindable. Congress could amend Hart-Scott-Rodino or make explicit that the Sherman Act applies to state action. 29 And, crucially for this Note's discussion, although state antitrust law is not judicially preempted, Congress could choose to expressly preempt it in the future.30 There are strong policy arguments for express congressional preemption of state antitrust law. The remainder of this Part attempts to outline the general pros and cons of congressional antitrust preemption but is not meant to be exhaustive or to cover new ground. The intent is to situate Part II's argument about federalism and preemption by judgemade law within the broader policy landscape. A. The Patchwork Regime Problem First, critics of the status quo argue that a patchwork regime of state antitrust laws can make it expensive for companies that operate across state borders to comply. State and federal regimes share similar philosophies regarding most of antitrust law.31 But state antitrust laws do not perfectly mirror their federal counterparts - and the antitrust laws of the different states are heterogeneous themselves. 32 Disputes are concentrated in a few areas of the doctrine, like vertical restraints and mergers. 33 For example, states often focus on damage to intrabrand competition when enforcing limits on vertical restraints, whereas federal antitrust law focuses primarily on interbrand competition.34 Additionally, state merger guidelines often materially differ from federal guidelines, 35 and states are likelier to define markets "more narrowly," "refus[e] to consider efficiencies" favored by federal agencies, and show a concern for local jobs and competitors that does not "enter . . . the [federal] calculus."3 6 An inconsistent antitrust regime that may conflict between states could cause economic inefficiency, for example by discouraging companies from undertaking what might otherwise be an economically efficient merger.37 This critique relies in part on the federal government having a better approach to vertical restraints and mergers, and that is anything but clear. The classic federalism argument that states function as laboratories of democracy 38 applies here: antitrust law is far from settled, and having multiple regimes allows for testing different theories. For example, some scholars argue that the states are correct to consider intrabrand competition's effects on price, especially in certain markets.39 Similarly, in the merger context, there is support for both the states' refusal to consider only economic efficiency40 and their push for heightened antimerger enforcement. 41 Of course, the laboratories of democracy might not work so well in the antitrust context: because of the interwoven economic effects of federal and state antitrust laws and enforcement in an interconnected national economy, determining the effects of one state's slightly different antitrust regime would be difficult.4 2 But federalism can still offer benefits by breaking the antitrust orthodoxy: by putting different policies on the table, a multilevel regime reminds us both that there are different possible "best" antitrust policies and that antitrust law has a variety of potential goals.43 B. The One-State Dominator Problem Closely related to the patchwork regime problem is the one-state dominator problem: because national firms may not always be able to maintain different business practices in each state, firms could be forced to follow the law of whichever state has the strictest antitrust policy nationwide. For example, a single state could use its own antitrust laws to "challenge the largest nationwide transactions so long as it can show that the state itself, its citizens, or its economy is affected in a way that provides standing." 4 4 If a nationwide merger is illegal under one state's laws, it may not be worth it for the firm to restructure the transaction in order to merge in all but one jurisdiction. This reality could allow for the state with the strictest antitrust policy to dominate the policy decisions of every other state and of the federal government.45 The one-state dominator problem is exacerbated by unrecognized interstate externalities: in making its antitrust laws, a state is not forced to consider the harm or benefit to businesses based outside of its borders. 46 These uninternalized externalities make it more likely that a state will overregulate. The laboratory-of-democracy defenses to the patchwork regime problem, with their variety-is-the-spice-of-life flair, fail to explain why an individual state's antitrust regime should be allowed to dominate the policy of the entire nation. Consider a recently passed Maryland law regulating wholesale pharmaceutical prices. The law prohibited manufacturers or wholesalers from "price gouging," defined as "an unconscionable increase in the price of" certain drugs.47 Federal antitrust law does not prevent monopolists from receiving the reward of monopoly prices, under the theory that potential future monopoly profits encourage present investment.4 8 The Maryland law can be viewed as a limit on this monopolist tolerance in the pharmaceutical space, preventing pharmaceutical companies from taking advantage of their dominant market position in the treatment of certain diseases. Not all states had decided to regulate drug prices, with most hewing more closely to the general rule of monopoly tolerance.49 Based on its drafting, however, Maryland's law could have had significant implications nationwide: even assuming the law required some sort of connection to an eventual consumer sale in Maryland,5 0 the law regulated a wholesaler's initial sale, whether or not that sale occurred in Maryland, so long as the drug was eventually resold in Maryland.5 1 As such, any manufacturer who sold drugs to a Maryland retailer would have to set their initial prices in consideration of Maryland's law. Pricing is a core antitrust issue; why should Maryland be able to set the nation's pricing policy? Or consider the ability of indirect purchasers to sue under antitrust laws. In Illinois Brick Co. v. Illinois,52 the Supreme Court held that only direct purchasers of a price-fixed good or service, not subsequent indirect purchasers, could sue for treble damages under the Clayton Act.5 3 In response, twenty-six states passed "'Illinois Brick-repealer laws' authorizing indirect purchasers to bring damages suits under state antitrust law."5 4 But these twenty-six states have an impact even on the residents of nonrepealer states. In a class action currently on appeal in the Ninth Circuit, a district court applied California antitrust law – including California's repealer law - to a nationwide class that included class members from nonrepealer states.55 The defendant-appellant has argued that this application undermines the nonrepealer states' interest in choosing their own consumer-business balance.5 6 The Maryland and Ninth Circuit examples may be more bogeymen than real threats to federalism. First, alternate doctrines aside from antitrust preemption work to keep individual state interests in check. For example, the Fourth Circuit enjoined enforcement of the Maryland law on dormant commerce clause grounds.5 7 Where one state intrudes too much on other states' ability to regulate antitrust - where "[t]he potential for 'the kind of competing and interlocking local economic regulation that the Commerce Clause was meant to preclude' is ... both real and significant" 58 - the Constitution, rather than Congress, can prevent the onestate dominator problem's greatest harms. Dormant commerce clause challenges are not limited to the Maryland case's facts. In fact, the Fourth Circuit dissent complained that the majority's logic would invalidate other state antitrust laws, including Illinois Brick-repealer laws.5 9 Second, the trouncing of federalism in cases like these is often overstated. Take the defendant-appellant's depiction of the interests in the Ninth Circuit case as an example of exaggerated federalism costs. The district court found that the nonrepealer states had no interest in having their laws applied because the defendant-appellant was a California company; California's more consumer-friendly law would only help nonrepealer-state residents, not hurt nonrepealer-state businesses.6 0 If the nonrepealer states have an interest in denying their own consumers access to relief when there is no benefit to their own businesses, it seems tangential to an interest in striking their own consumer-business balances. Instead, a choice to prioritize foreign defendants over in-state consumers appears more like an attempt to govern the national consumer-business balance, a choice imbued with far less federalism oomph than the defendant-appellant portrayed. Whether exaggerated or not, a worry that antitrust federalism allows one state to dominate national antitrust policy weighs in favor of congressional antitrust preemption. This problem, however, is not unique to antitrust. Any area of law in which states fail to internalize the harms of overregulation, meaning any law that regulates businesses with a national footprint, could be dominated by one state. 61 If Congress were to take the one-state dominator problem too seriously, it would swallow up huge swaths of state regulation, excluding states from their traditional role in consumer protection, at least where the largest (and potentially most worrisome) industries are implicated. C. The Overdeterrence Problem Third, critics argue that a multilevel antitrust regime threatens to overdeter procompetitive conduct. The policy behind much of preemption is to prevent state law from interfering with detailed, well-balanced federal regulation: obstacle preemption exists to prevent states from "stand[ing] as ... obstacle[s] to the accomplishment and execution of the full purposes and objectives of Congress,"6 2 and field preemption exists to prevent state interference where Congress "left no room for lower-level regulation."6 3 Although it is not field or obstacle preempted, 64 antitrust law exhibits the type of detailed regulatory balance that the preemption doctrines attempt to prevent states from damaging. Much of antitrust law is built on finding the perfect balance of standards and remedies: the law must properly deter anticompetitive acts without deterring healthy competition. 65 A state law that shifts remedies or standards can upset this careful balancing, thus overdeterring desirable private action. Critics can point directly to ARC America as evidence of this overdeterrence threat. The Court's decision in Illinois Brick, which limited suits by indirect purchasers, relied in large part on a belief that concentrating suits in direct purchasers would avoid overdeterrence. 66 By allowing for additional suits, ARC America created extra deterrence not envisioned by the federal antitrust scheme. 67 Like the patchwork regime critique, the overdeterrence critique is weakened if the federal regime has failed to achieve proper balancing. Many antitrust regimes around the globe adopt different balances than the United States does. The European Union, for example, differs from the United States on remedial structure, the standard for illegal unilateral conduct, and market definition, among other issues. 68 Moreover, many scholars argue that the U.S. antitrust balance is off and that more enforcement is needed.6 9 Even if U.S. antitrust policies are getting the balance generally right, it is unlikely that the federal regime is so finely tuned that any added deterrence will destroy the balance. D. The Misaligned Incentives Problem7 Fourth, in the misaligned incentives problem, critics argue that states do not have proper incentives when they enforce state antitrust laws. Although state antitrust laws are supposed to mainly target intrastate antitrust violations, courts have refused to police that limit too strictly. 7 1 In an interconnected economy where seemingly hyperlocal activity can have national implications, 72 courts have admitted that limiting state antitrust laws to cases that do not touch the national economy would "fence[] off" "a very large area .. . in which the States w[ould] be practically helpless to protect their citizens."7 But, even though suits under state laws may have nationwide consequences, state attorneys general lack nationwide incentives. Critics of the status quo worry that elected attorneys general are more susceptible to lobbying by state interests than are appointed federal enforcers and that a cost-benefit analysis is flawed where a state can attack a company headquartered out of state in order to protect one headquartered in state.74 These fears seem mostly imagined. The idea that elected attorneys general are bringing antitrust suits to hurt competitors of state businesses "appears to [have] little empirical support[,] ... and none has been provided by the advocates of this position."7 5 Past state antitrust enforcers have stated that, while they considered state-specific factors when deciding where to spend their limited resources, those factors would be used only to choose "from among those cases that also made sense on traditional economic grounds."7 6 And there is reason to believe that these enforcers are telling the truth. For one thing, states often make antitrust decisions that seem to go against the interests of major state employers. For example, New York antitrust enforcers have taken antitrust positions adverse to both Verizon and IBM, top New York employers.7 7 For another, a state that is only minutely affected by an antitrust action is unlikely to bring that action alone. If a state is only trivially affected by allegedly anticompetitive conduct, "that state is very unlikely as a practical and political matter to spend the enormous sums of money required to sustain a challenge." 78 If a state is majorly affected but is the only state affected, then the misaligned incentives critique does not apply because there is no competing set of national incentives. And in a case that actually has major impacts in multiple states, it is unlikely that one state could act without other states wanting to join in on the enforcement.79 When states work together on antitrust enforcement, they tend to cooperate closely with one another, especially through the National Association of Attorneys General's (NAAG) antitrust group.o Even if an individual state might be swayed by state-specific concerns, it is unlikely that it could convince a multistate coalition to act on those concerns - the group would be forced to evaluate the action on its more national merits.81 E. The Incompetent States Problem Finally, critics argue that state enforcers will make error-ridden antitrust choices due to a lack of resources, experience, and expertise. Whereas federal enforcers have significant budgets for antitrust enforcement, the percentage of funding set aside for antitrust enforcement by state attorneys general is minute. 2 Because of this lack of resources, state enforcers have been accused of staffing antitrust cases with senior attorneys who, while experienced in civil litigation generally, are antitrust novices.83 These factors have led critics to argue that state attorneys general handle antitrust suits poorly, clogging the judicial pipeline with questionable suits. 84 State attorneys general are accused of acting as free riders on federal actions and of making settlements more difficult rather than undertaking useful enforcement.1 5 But there is reason to dispute critics' claims. The critique of individual attorneys general ignores the states' ability to work in unison. Cooperating through NAAG, states are able to build on each other's experiences in antitrust enforcement.1 6 Thus, worries about inexperienced antitrust divisions working alone may be overstated. Although interstate coordination may weaken their point, critics can retort that most state actions are not coordinated: according to NAAG's State Antitrust Litigation Database, only nineteen of the fifty-six civil antitrust actions brought by states between 2014 and 2019 were brought by multiple states working together,8 7 although many of the noncooperative suits regarded intrastate anticompetitive conduct. 8 This same dataset, however, also undermines the critics' argument that states act only as free riders: only nineteen of the fiftysix suits included federal participation.8 9 Finally, much of the criticism leveled at state attorneys general occurred before a renaissance in state law enforcement. Since Judge Posner derided the skill of state attorneys general in 2001,90 lawyers and judges, including Chief Justice Roberts, have recognized a marked improvement in state attorney offices' advocacy.9 1 Whether or not Judge Posner's critiques were valid at the turn of the century, it is unclear that the landscape remains the same today. Finally, this critique undermines the arguments, noted earlier, that state law enforcement is overdeterring competition or creating a patchwork of antitrust law. If states are nothing but free riders, then we need not worry about overdeterrence.

### 1NC OFF

Next off is Tax CP

#### The United States federal government should expand the application of its core antitrust laws to prevent anticompetitive practices by nucleus participants at the root layer of blockchains, enforced by applying a substantial progressive tax on rents from those practices.

#### The CP solves by expanding antitrust but, rather than enforcing it with a prohibition, it levies a progressive tax on anticompetitive rents

Yonah ’21 [Reuven Avi; July 29; Irwin I. Cohn Professor of Law and Director of the International Tax LLM Program at the University of Michigan Law School, PhD in History from Harvard University, AM in History from Harvard University, JD from Harvard Law School; Tax Notes Federal, “A New Corporate Tax,” https://papers.ssrn.com/sol3/papers.cfm?abstract\_id=3743202]

If we can regulate our corporations simply through the medium of taxation, we can destroy every trust in a fortnight. It would be a great deal better for the Finance Committee to turn its attention to the imposition of such a tax upon corporations and the persons who actually need regulation, who are exercising powers that are injurious to the American people, destroying competition and invading our prosperity, than to attempt to levy a revenue tax upon all the little shareholders of all the little corporations throughout the length and breadth of the United States.1 I. Introduction: Why Tax Corporations? Should the U.S. tax corporations? For many academic and political observers, the answer is no.2 The corporate tax is a strange tax because by definition it is not borne by the corporate taxpayer, because corporations are legal entities and cannot economically bear the burden of taxation. Moreover, unlike other indirect taxes (for example, consumption taxes that are passed on to consumers or the employer’s portion of the payroll tax that is passed on to employees), economists after over 50 years of debate are not sure who bears the burden of the corporate tax: shareholders, all capital providers, corporate employees, or consumers. The most likely answer is that all of the above do in varying ratios depending on the current elasticities of capital, labor, and demand in the global economy, and on the degree to which the U.S. economy is open.3 The general public, on the other hand, is convinced that the corporate tax is borne by large corporations, and politicians respond by maintaining the corporate tax as a tax paid by someone other than the voters. But this fiscal illusion, the opponents of the tax pronounce, is hardly a valid reason to maintain a very complicated tax that is the cause of significant deadweight loss (changes in behavior caused by the tax) and transaction costs (tax compliance and avoidance costs).4 This article will argue that we do need a corporate tax, but not for the traditional reason, which is that if we do not tax corporations, rich shareholders will be able to defer tax on their income. Instead, the article will argue that we should tax corporations for the same reason we originally adopted the corporate tax in 1909: to limit the power and regulate the behavior of our largest corporations, which are monopolies or quasi-monopolies that dominate their respective fields and drive their competitors out of business (the best example being Big Tech — that is, Amazon, Apple, Facebook, Google, and Microsoft). But if that is the reason to have a corporate tax, it should have a different structure from the current flat corporate tax of 21 percent. Instead, the tax should be set at zero for normal returns by allowing the expensing of physical capital, but at a sharply progressive rate for supernormal returns (rents), culminating at a rate of 80 percent for income above $10 billion a year.5 After this introduction, Section II of the article discusses and rejects the traditional reason given for taxing corporations. Section III argues that the only reason to maintain a corporate tax is as a tax on monopolistic rents. Section IV develops this proposal in some detail and Section V provides a conclusion. II. A Tax on Shareholders? The traditional reason for taxing corporations is that if we did not, rich shareholders would be able to earn their income through corporations and defer the tax until there is a dividend distribution or they sell the shares, or even avoid the tax altogether by holding their shares until death and having their heirs sell at a stepped-up basis. That is not a valid reason for keeping alive a tax as complicated and costly as the corporate tax, which is why many academic observers have called for its abolition. Given that the corporate tax rate has been sharply cut to 21 percent and that the revenue from the corporate tax is at $230 billion (in 2019) and only a small fraction (below 7 percent) of total federal revenues of $3.4 trillion, it does not appear impossible that some future president could successfully argue for abolishing the corporate tax, despite its public popularity. There are three reasons why the corporate tax is not a valid way of taxing shareholders. First, despite over 50 years of economic research, economists are still unsure of who bears the burden of the corporate tax.6 Plausible candidates are (a) the shareholders, if the corporate tax reduces corporate profits available to them as dividends or is reflected in the price of their shares (although even that assumes that the tax was not priced in when they bought the shares, in which case only the original shareholders in an initial public offering bear the burden); (b) all capital providers, if the tax causes capital to flow from the corporate to the noncorporate sector, which is influenced by the ever-changing relative tax rates on corporate versus passthrough businesses; (c) employees, if the corporations can effectively reduce wages in response to the tax by, for example, threatening to move production overseas; or (d) consumers, if corporations enjoy a monopolistic or quasimonopolistic position and therefore can raise prices to include the tax without fear of being undercut by competition. The true answer is probably that all of the above bear the burden in different ratios over time depending on the elasticities (response to the tax) of capital, labor, and demand. Second, as economists have recently emphasized, many shareholders are tax exempt. In fact, a recent study has shown that 70 percent of U.S. equities are held by tax-exempt institutions or individuals (for example, through retirement accounts).7 The authors of the study argue that this is a reason to tax corporations because otherwise capital would not be taxed at all, but it seems to me that if we believe in the reason that we exempt these individuals and institutions from tax, there is no reason to tax them indirectly through a corporate tax (assuming that they do in fact bear the tax burden). Third, even for taxable shareholders, there are better ways of taxing the shareholders directly, thereby eliminating the incidence issue. For closely held corporations, the answer is to tax the shareholders on their income earned through the corporation — that is, to make passthrough treatment mandatory — because there are no administrability issues for those corporations and most of them are passthroughs in any case. For publicly traded corporations and partnerships, passthrough taxation is not administratively feasible. Instead, the shareholders should be taxed on the changing value of their shares, because liquidity and valuation are not issues for publicly traded shares, and the same tax can be collected on a withholding basis on foreign shareholders and if necessary on tax-exempt domestic shareholders (the government can impose a lien on some of the shares and sell them if the tax is not paid by foreign shareholders).8 Pre-enactment unrealized appreciation can be reached by applying the tax in the year of enactment to the difference between the end-ofyear share value and original basis. For these reasons, if the only rationale for having a corporate tax is to indirectly tax shareholders, it is not clear that it is worth fighting for against the many voices calling for its abolition. But that is in fact not the only rationale, as the next section explains. III. A Tax on Monopolistic Rents When the corporate tax was enacted in 1909, taxing shareholders was not the reason. In fact, taxing shareholders would in 1909 have been unconstitutional under the Supreme Court’s 1895 Pollock decision9 which both President Taft and then-Senate Majority Leader Nelson Aldrich believed precluded a tax on shareholders, although to placate the Progressives they also introduced a constitutional amendment to allow Congress to tax individual income, which neither expected to pass. Instead, the corporate tax was designated as an excise tax on the privilege of conducting business through the corporate form, since the Supreme Court had held such excise taxes on corporations to be constitutional in 1898; but neither Taft nor Aldrich thought that was a good reason to impose a federal tax on corporations, because the privileges of the corporate form derived from state, not federal, law. Instead, as I have shown elsewhere by examining the legislative history, the corporate tax of 1909 was primarily seen as a vehicle for limiting the power of and regulating the great trusts such as John D. Rockefeller’s Standard Oil Co. or J.P. Morgan’s U.S. Steel Corp.10 The Taft administration was at the same time litigating against Standard Oil and American Tobacco (among many other trusts) to break them up under the Sherman Act of 1890, but the prospects of the litigation were uncertain (the government had lost the E.C. Knight case in the Supreme Court in 1895 and only narrowly won the Northern Securities case in 1904). Thus, as Taft said in his message to Congress, we should have a corporate tax to curb the trusts: Another merit of this tax is the federal supervision which must be exercised in order to make the law effective over the annual accounts and business transactions of all corporations. While the faculty of assuming a corporate form has been of the utmost utility in the business world, it is also true that substantially all of the abuses and all of the evils which have aroused the public to the necessity of reform were made possible by the use of this very faculty. If now, by a perfectly legitimate and effective system of taxation, we are incidentally able to possess the Government and the stockholders and the public of the knowledge of the real business transactions and the gains and profits of every corporation in the country, we have made a long step toward that supervisory control of corporations which may prevent a further abuse of power.11 The corporate tax of 1909 had several features that were considered potentially effective as antitrust measures. First, even though the tax rate was only 1 percent, both supporters and opponents knew the rate could be increased (as it ultimately was, reaching 52.8 percent in 1968) and the threat of those changes might deter the trusts. Second, the tax returns were to be made public, thus alerting the press and the voters to which corporations were the most profitable and therefore the likeliest targets for antitrust enforcement actions. Third, while intercorporate dividends were exempt (a controversial feature, because the trusts were holding corporations), there were no tax-free reorganizations and no consolidated returns. Unfortunately, all these antitrust features of the corporate tax were eliminated by 1928. The publicity feature was eliminated in 1910, taxexempt reorganizations were adopted in 1919, and consolidated returns were made elective in 1928. Also, various pro-corporate provisions like accelerated depreciation, percentage depletion, and the foreign tax credit were adopted in the same period. While the Franklin D. Roosevelt administration limited the dividends received deduction and tax-exempt reorganizations in the 1930s, it never eliminated them, and subsequent enactments like investment tax credits reduced the corporate tax even further. As for the rate, it never exceeded 52.8 percent (as opposed to the individual rate, which reached 94 percent during World War II and was still as high as 70 percent when Ronald Reagan was elected president). The effective corporate tax rate was much lower because of interest and depreciation deductions and investment tax credits. In 1986 the corporate rate was reduced from 46 percent to 34 percent (later raised to 35 percent), and despite various base-broadening measures, the effective corporate rate remained low. Corporate tax revenues consequently declined from 25 percent of total federal revenues in the 1960s to less than 10 percent in the 2000s. Finally, in 2017 the corporate tax rate was reduced to 21 percent, and it was a flat rate — all the previous progressivity, which applied only to small corporations with revenues below $15 million, was eliminated. Other than the rates, we are unlikely to reverse these pro-trust features of the corporate tax, because they are old, well established, and benefit small as well as large corporations, which are not the proper subject of a corporate tax designated to limit the power of monopolies and quasi-monopolies. Recent research by Edward Fox has shown, however, that most of the existing corporate tax falls on supernormal returns.12 Fox shows this by demonstrating from corporate tax returns for 1995-2013 that if expensing of capital expenditures were allowed before 2017, corporate tax revenues would have been almost identical to actual revenues. Because (as discussed later) expensing is equivalent to exempting the normal return, that means that the corporate tax has historically fallen primarily on supernormal returns, or rents. This finding is consistent with Laura Power and Austin Frerick’s evidence from 2016 that excess returns to corporations have been increasing over time.13 In the current environment, because expensing is in fact allowed until 2022, that finding is even more likely to be true. In that case, and if the main reason to have a corporate tax is to tax rents and limit monopolies, then the tax should have a different rate structure than we have now. I would suggest that the effective tax rate on normal corporate profits be zero. On supernormal returns, because the main concern is monopolies and quasi-monopolies, the tax should be progressive, with a very high tax rate (for example, 80 percent) for profits above a very high threshold (for example, $10 billion). In between, there should be a series of graduated tax rates, similar to the individual rate schedule before 1980.

#### That mainstreams taxes as an instrument to cushion societal responses—solves extinction

Bachus ’18 [Kris and Frederic Vanswijgenhoven; 2018; Research Manager Climate and Sustainability at the Research Institute for Work and Society, University of Leuven, PhD in Social Science from KU Lueven, MA in Applied Economic Science from KU Leuven, European Master’s in Labor Science from the University College, London; Research Institute for Work and Society, University of Leuven, Master’s Degree in Comparative and International Politics from KU Leuven, Master’s Degree in Applied Economic Sciences from Universiteit Hasselt; Journal of Environmental Planning and Management, “The Use of Regulatory Taxation as a Policy Instrument for Sustainability Transitions: Old Wine in New Bottles or Unexplored Potential?” vol. 61]

1. Introduction Environmental problems are of all times. Yet, over the past two decades, climate change, air pollution, natural resource depletion and biodiversity loss have reached the status of worldwide persistent threats (Foxon, Reed, and Stringer 2009). There is increasing consensus in the literature that common policy responses, which are in the main incremental, will not provide structural solutions to those problems (Elzen and Wieczorek 2005). Transition theory links those challenges to socio-technical systems, which fulfil a societal function using technical components, infrastructure, regulations and networks of organisations (Geels and Kemp 2000). A transition is a radical and structural change with economic, cultural, ecological and institutional developments taking place at different levels of the socio-technical system (Rotmans and Loorbach 2009). An important discussion in transition literature concerns the question of whether transitions, niches and regimes can be governed, or even steered, in a (sustainable) direction. Most transition scholars see an active role for government, but not in the classical way as the top-down commander who can steer at will using its toolbox of instruments (Paredis 2013). Rather, government is seen as just one group of actors (Geels, Elzen, and Green 2004), who are part of the regime but simultaneously shape its adaptive capacity (Smith, Stirling, and Berkhout 2005). Government actors exert a substantial influence on the functioning of the socio-technical system as they often maintain and reproduce regime functions in an intensive manner (Smith, Stirling, and Berkhout 2005). To address the complexity and long-term focus (one to two generations) of transitions, “existing policy instruments need to be combined with new approaches” (Elzen and Wieczorek 2005, 657). In addition to command-and-control (CAC) instruments and communicative instruments, economic instruments are used in environmental policy (Howlett and Ramesh 2003; Perman et al. 2003). Geels (2012) indicates, in the context of transport systems, that economic instruments can be used to enhance pressure on an unsustainable regime. Chappin (2011) applies simulation models to study the influence of carbon taxes on energy transitions. Although these studies point at the potential of taxation, the theoretical dynamics behind the impact of a tax on the transition process are not yet well understood, and available studies on the topic are scarce. This paper aims to contribute to the growing literature of transition governance by means of an exploratory analysis of the potential of taxation as an instrument to support sustainability transitions. We will do so by combining the literature on environmental taxation with the literature on sustainability transitions, and by identifying the conditions for a tax to have that potential. In our theoretical exploration, we will combine two heuristic frameworks from transition thinking, the multi-level perspective (MLP) and the multi-phase perspective (MPP), with the neoclassical theory of Pigouvian taxation, which is the basis of environmental taxation theory. This paper is organised as follows. The MLP and MPP are explained in Section 2, along with other transition concepts. In Section 3, an overview is provided of the theoretical foundations of regulatory taxation. Section 4 shows the results of the combination of the theoretical strands of transitions and environmental taxation. Section 5 is dedicated to the limitations and barriers to the potential of environmental taxation, and in Section 6, we draw conclusions and provide suggestions for future research. 2. Transition theory: the MLP and the MPP The MLP on sustainability transitions distinguishes between three levels (Geels 2004; Verbong and Geels 2007). At the macro level, the landscape represents the external environment of the system. Changes at the landscape level influence the socio-technical system (Markard and Truffer 2008). Examples of such developments are global warming, global economic growth, political crises or demographic evolutions (Geels 2002). At the meso level, the regime is the dominant form of functioning in the socio-technical system (Avelino and Rotmans 2009). The regime can be a dominant technology, institution, policy, practice or culture. At the micro level, niches present alternative (sustainable) technologies, institutions, policies, practices or cultures that cause disruptions in the functioning of the socio-technical system. By experimenting and growing stronger, niches can eventually overtake the role of the regime and install a new dynamic balance in the socio-technical system (Kemp and Loorbach 2006; Loorbach and Wijsman 2013). For example, learning effects from experiments with niche technologies such as photovoltaic energy and wind power in the energy system may make those technologies increasingly successful. After the growing phase, they may also become cheaper than regime technologies such as nuclear and fossil fuel power generation. Those niches exert pressure on the regime, which could, in combination with other pressures from the landscape, policies, market developments and cultures, lead to a replacement of nuclear and fossil fuel-based power by renewables, ending up in a new equilibrium that will be more sustainable than the previous one. A transition presents a radical and fundamental change in the dominant structure, culture and practices of a socio-technical system (Loorbach and Rotmans 2006). The structure of the system consists of institutional, infrastructure, legal and economic provisions that are inherent to the functioning of the socio-technical system (de Haan 2010). Culture is regarded as the shared values, norms and perspectives, which may be cognitive, normative or ideological in nature, and which underlie the socio-technical system (de Haan and Rotmans 2011). Practices are the routines, habits and procedures operated by the actors in the system, which interact with the structure and the culture of the system. The change that is required for a transition will not come about in a linear way. Rather, periods of rapid and slow (or no) change can alternate (de Haan and Rotmans 2011). This implies that there are multiple phases in a transition process. Loorbach (2007) describes four phases that together depict an ideal–typical transition process, the MPP. In the first phase, the pre-development phase, actors are engaged in experiments (Kemp and Loorbach 2006). During the take-off phase, the second phase, the regime will show signs of destabilisation and niches will get an opportunity to position themselves as a viable alternative (van der Brugge and Rotmans 2007). Rapid structural and cultural changes in the socio-technical system become visible in the acceleration phase (van der Brugge 2009). In the last phase, the stabilisation phase, a new sustainable regime is established (Avelino and Rotmans 2009). Transitions are driven by various endogenous and exogenous developments. Exogenous developments are changes at the landscape level. Endogenous developments, on the other hand, are events occurring at the meso level (regimes) and micro level (niches). According to de Haan and Rotmans (2011), there are three groups of conditions for change: tensions, stress and pressure. Tensions are changes occurring at the landscape level threatening the position of the unsustainable regime. A regime that functions inadequately or inconsistently will experience stress, which can nurture the downfall of the regime. Regime pressure or selection pressure, finally, will appear when niches impose themselves on the regime's position by becoming viable alternatives or by making the regime's functioning obsolete. Regime pressure, along with the reactions of regime and niche actors, will create patterns of change (Frantzeskaki and de Haan 2009). When tensions dominate, a reconstellation pattern will appear. Stress and pressure will result in the patterns of, respectively, adaptation and empowerment. When certain patterns chain together, they create transition paths (de Haan 2010). Choices made in the past will affect the path along which transitions will move. Actors are confronted with path dependencies, which may turn into lock-ins. For example, the choice of the authorities of some countries to invest in nuclear power plants has created path dependencies in the energy systems of these countries, which function as lock-ins that prevent a breakthrough to an energy system based on renewable energy. Two governance approaches within transition science indicate that belief in classical policy solutions is limited. The two most well-known governance models in transition literature are transition management (Loorbach 2007; Kemp and Loorbach 2006; Loorbach and Rotmans 2010) and strategic niche management (Hoogma 2000). Both these governance approaches emphasise the difficulties in steering socio-technical change. Strategic niche management sees the main role of government in process management, creating room for niche experimentation, making sure that the process is not dominated by certain actors, and in learning and facilitating other actors’ learning possibilities (Kemp, Schot, and Hoogma 1998). The other governance approach, transition management, departs from the same view, but presents a process management method for policy-makers wishing to influence burgeoning transition processes (Loorbach and Rotmans 2006). Transition management has been criticised, mainly because the term ‘management’ seems to suggest that it is possible to steer transitions by “deliberate intervention in pursuit of specific goals” in a top-down way (Shove and Walker 2007, 764). Although transition management scholars such as Loorbach and Rotmans develop a more nuanced perspective on the ‘steerability’ of a transition than the name ‘management’ suggests, they do assert that ‘goal-oriented transitions’, in which the policy goals guide the process, exist. This view is not shared by all transition scholars. For example, Dewulf et al. (2009) think that a multiplicity of theories is needed for addressing such complex issues as sustainability. Shove and Walker (2007) question the very starting point of transition management that it is possible to deliberately steer socio-technical system change in any direction. Both strategic niche management and transition management focus on policies that are aimed at the level of the niches. However, they largely ignore that the destabilisation of incumbent regimes can equally be a valuable strategy, because this could speed up the upscaling of niche technologies (Kivimaa and Kern 2016). Policies discouraging certain niche technologies or practices can play a role here (Turnheim and Geels 2012). Taxation will be further examined as a regime destabilisation instrument, as the main subject of this paper. In addition, ‘policy mixes for creative destruction’ will be explored in Section 4.2. 3. Regulatory and environmental taxation A basic idea in economics is that markets allocate resources in an efficient way. However, this thesis is only valid under the condition of the presence of well-defined and enforceable private property rights (Perman et al. 2003). If that condition is not met, the market is not capable of creating or maintaining a socially optimal or desirable situation, and market failures appear (Bator 1958). One example of a market failure is the existence of external costs or environmental externalities (Perman et al. 2003). Externalities are “benefits or costs generated as an unintended by-product of an economic1 activity that do not accrue to the parties involved in the activity and where no compensation takes place” (Owen 2004, 129). Pollution resulting from production activities is a typical example of a negative externality imposed on citizens, because the victims of the pollution have no legal rights to claim any compensation for the damage suffered. To resolve this market failure, governments can create property rights for ‘an unpolluted environment’ and give them to the victims, or even to the polluter. In the latter case, the polluter receives a ‘license to pollute’ a certain amount. Following the Coase theorem (Coase 1960), depending on the specific circumstances, this situation will lead to an equally efficient outcome as compared to victim property rights. However, from an equity point of view, the two solutions generate entirely different outcomes, as in the one case it is the polluter who pays, and in the other it is the victim (Perman et al. 2003). In theory, the polluter and the victims could bargain and agree on compensation for the damage based on the victim's or polluter's property rights, in which case government intervention becomes redundant (Coase 1960). In practice, however, the large number of victims and polluters and the costs of bargaining often prevent an optimal outcome of private bargaining. In that case, government regulation, through the use of CAC instruments, economic instruments or suasion, is needed (Perman et al. 2003). In this paper, we focus on the use of taxation as a regulatory2 policy instrument in response to existing market failures. Regulatory taxes aimed at environmental improvement are called environmental taxes.3 An alternative name is Pigouvian taxation, after the twentieth-century economist Arthur C. Pigou, who developed the idea to use taxation to tackle externalities (Pigou 1920). According to Pigou, an environmental tax equal to the marginal damage at the efficient pollution level maximises allocative efficiency and welfare. The theory of Pigouvian taxation belongs to the neoclassical economic perspective, which assumes that economic agents act in a rational way according to their individual preferences in such a way that their utility (or profit for companies) is maximised (rational choice theory). Moreover, neoclassical economics assumes that preferences are fixed, as an exogenous factor, which was the dominant assumption until the 1990s (Arnsperger and Varoufakis 2006). Later, some economists regarded preferences as fixed in the short run, but subject to change in the long run (Doyle 2004). Others completely dismissed the notion of fixed preferences stating that individual preferences change as a result of past outcomes, and sometimes even rapidly and systematically (Van Boven, Loewenstein, and Dunning 2003). In a first-best world with no uncertainty, regulatory taxes are statically efficient because the emission reductions are achieved while using a minimum amount of resources (Sandmo 2000). They are dynamically efficient because taxpayers will be inclined to seek further reduction methods due to the fact that the undesirable behaviour remains taxed (Faure and Weishaar 2012). In this theoretically ideal situation, a tax always leads to a more efficient solution than a licence or other CAC type of instrument. However, if complexity or uncertainty is introduced, many authors criticise Pigou's theory on the optimal level of an externality tax. Although a complete review of this literature exceeds the scope of this paper, we present three of the most important critiques. First, Coase (1960) dismissed the idea that a tax equal to the marginal damage cost increases total welfare in all situations. When there is uncertainty about the marginal abatement cost curves of polluting firms, the comparison changes. Taxes keep the edge over CAC instruments when the (absolute value of the) slope of the marginal abatement cost curve is greater than the slope of the marginal damage curve. Conversely, when the marginal abatement cost curve is less steep than the marginal damage curve, CAC instruments are to be preferred to taxes (Perman et al. 2003; Baumol and Oates 1988). Second, Baumol and Oates (1988) add that it is often hard to calculate the monetary value of the marginal damage of the polluting activity, in which case a standard may also be the recommended instrument choice. And third, in case of monopoly or oligopoly, the optimal tax rate may vary from lower to higher than the marginal damage (Ebert and von dem Hagen 1998). An important element in the discussion on the optimal tax rate is the price elasticity of demand, which is not static. The absolute value of demand elasticities tends to increase over time (Lipsey and Chrystal 2007; Pindyck and Rubinfeld 2009). The reason is that demand elasticity is, in fact, mainly determined by the availability of substitutes. Investment decisions are made with a long-term perspective, and in the long run, more options are available for developing new (clean) technologies than in the short run (OECD 2000). For example, Sterner (2007) estimated that the demand elasticity of petrol and diesel in the long run is about three times higher than in the short run. In addition to determining the correct tax rate, other tax design elements need to be decided. First, the tax base, which is the object that is taxed (Sandmo 2000), needs to be chosen. This can be input products, output products, production factors (energy), production (processes, activities or techniques), consumption or emissions (Vollebergh 2008; Weber 2011). The most effective way of eliminating externalities is by choosing the externality itself (e.g. CO2 emissions) as the tax base (OECD 2010). In practice, emission-measuring problems often hinder direct taxation of emissions. Proxies, such as petrol sold as a transport fuel, then form alternative tax bases (Dias Soares 2011). Second, tax rates can be differentiated (Määttä 2006), in which case certain products, processes or groups of taxpayers are granted a lower tax rate or are exempt from the tax. Third, a tax can be implemented at one specific moment in time or in multiple phases whereby the tax rate is raised or reduced in each phase. 4.1. (In)compatibility arguments The transition school sees public authorities as just one group of actors in a socio-technical system. They are an important actor, but they cannot steer a transition in a top-down way (Kemp, Rotmans, and Loorbach 2007). Traditional decision-making models, including neoclassical economics, are mostly rejected based on the following four arguments. First, traditional policy-making is deemed unfit for dealing with high-complexity, long-term, wicked societal problems, because the knowledge on ecological cause–effect relations is often limited and political compromises inevitably lead to incrementalism as opposed to structural system change (Rotmans, Loorbach, and Van derBrugge 2005; Kemp, Rotmans, and Loorbach 2007; Mathijs 2008). Second, the existing policies are the result of outdated legislation, routines and institutional relations and are characterised by path dependency and technological lock-in (Rotmans, Loorbach, and Van der Brugge 2005). Third, the view of neoclassical economics on the preferences of individuals is too static, while instead a transition would require changing preferences (Kemp, Rotmans, and Loorbach 2007). Finally, steering a transition towards sustainability involves a subjective interpretation of sustainability, which “should arise from a multi-actor process, involving a balanced diversity of stakeholders” (van der Brugge, Rotmans, and Loorbach 2005, 167). Geels (2012) describes transitions as co-evolutionary processes, which require the involvement of many social groups. Network management in decision-making would be a step forward, but even those policy networks are not necessarily concerned with the long term (Kemp, Rotmans, and Loorbach 2007). Transition management is a governance approach based on transition theory, which proposes a bottom-up approach to steer a transition, based on multi-actor involvement. However, it does not offer a full-fledged alternative to traditional policy-making, as it is “not directly solution-oriented, but explorative and design-oriented” (Rotmans, Loorbach, and Van der Brugge 2005, 6). Therefore, some transition scholars revert to other academic fields, such as evolutionary economics to analyse sustainability transitions and related policy strategies. Inspired by the field of biology, this field focuses on three central concepts: diversity, selection and innovation. Models from evolutionary economics can cope with complexity; they deviate from neoclassical economic theories by acknowledging that economic agent behaviour is explained by bounded rationality (van den Bergh, Hofkes, and Oosterhuis 2006). People's rationality is bounded because of a lack of appropriate and reliable information, limited cognitive capacities and limited decision-making time (Kahneman 2003; Simon 1955). Evolutionary economics leaves more room for environmental taxation than most transition studies, although it emphasises the need for a combination of policy instruments or policy mixes (van den Bergh et al. 2006). The role of policy mixes for sustainability transitions is further treated in Section 4.2. So, if the neoclassical policy instrument of environmental taxation is so hard to reconcile with the bottom-up governance principles of transition theory, is it still worthwhile to study the combination? Four arguments support an affirmative answer. First, as we demonstrated in Section 3, the impact of environmental taxation is much higher in the long run than in the short run, which gives this instrument an interesting appeal considering the fundamental long-term change transition theory describes. Second, when the economy is (threatening to get) stuck in a technology that is not serving the long-run transition goal, a regulatory tax on that technology may unlock (further) lock-in, thus avoiding an important obstacle for a sustainability transition (den Butter and Hofkes 2006). Third, policy attention tends to go to supporting niches but much less to destabilising the dominant regime, which is politically more difficult. However, according to Kivimaa and Kern (2016), niche support policies will need to go hand-in-hand with regime destabilisation policies aimed at internalising externalities. A tax on the dominant regime technology is particularly suitable for that purpose (Geels and Schot 2007). Fourth, the bounded rationality concept embraced by transition theory still incorporates a level of rationality, implying that a price signal may still have an effect. We conclude that there is no consensus on the use of regulatory taxes to enhance sustainability transitions. Some scholars see a role for taxation, but rather as one part of a more comprehensive policy mix (Geels 2006; Kemp, Schot, and Hoogma 1998; Markard and Truffer 2008).

### Adv 1 Blockchain

#### Blockchain centralization is inevitable – economic incentives guarantee and alternatives to proof-of-work fail. Also, blockchain development trades off with renewables - extinction

Rosenthal, 21

(David S. H., Ph.D., Imperial College, London, MA, Trinity College, Cambridge, winner of “Best Paper” award at the 2003 Symposium on Operating System Principles for a decentralized consensus system using Proof-of-Work, “Can We Mitigate Cryptocurrencies' Externalities?”, TTI/Vanguard Conference Presentation, 12/08/2021, extract posted to DSHR’s Blog, https://blog.dshr.org/2021/12/talk-at-ttivanguard-conference.html)\\JM

\*some figures omitted for readability\*

I'd like to thank John Markoff for inviting me to present to this amazing conference. You don't need to take notes; when I stop talking the text of my talk with links to the sources and much additional material will be at blog.dshr.org. I'm aiming for 10 minutes for questions at the end. Before I start talking about cryptocurrencies, I should stress that I hold no long or short positions in cryptocurrencies, their derivatives or related companies; I am long Nvidia. Unlike most people discussing them, I am not "talking my book". Cryptocurrencies' roots lie deep in the libertarian culture of Silicon Valley and the cypherpunks. Libertarianism's attraction is based on ignoring externalities, and cryptocurrencies are no exception. [Slide 2: Externalities] Bitcoin is notorious for consuming as much electricity as the Netherlands, but there are around 10,000 other cryptocurrencies, most using similar infrastructure and thus also in aggregate consuming unsustainable amounts of electricity. This is far from the only externality the cryptocurrency mania imposes upon the world. Among the others are that Bitcoin alone generates as much e-waste as the Netherlands, that cryptocurrencies suffer an epidemic of pump-and-dump schemes and wash trading, that they enable a $5.2B/year ransomware industry, that they have disrupted supply chains for GPUs, hard disks, SSDs and other chips, that they have made it impossible for web services to offer free tiers, and that they are responsible for a massive crime wave including fraud, theft, tax evasion, funding of rogue states such as North Korea, drug smuggling, and even as documented by Jameson Lopp's list of physical attacks, armed robbery, kidnapping, torture and murder. The attempt to force El Salvador's population to use cryptocurrency is a fiasco. They offer no significant social benefit beyond speculation; Igor Makarov and Antoinette Schoar write: 90% of transaction volume on the Bitcoin blockchain is not tied to economically meaningful activities but is the byproduct of the Bitcoin protocol design as well as the preference of many participants for anonymity. ... the vast majority of Bitcoin transactions between real entities are for trading and speculative purposes ... exchanges play a central role in the Bitcoin system. They explain 75% of real Bitcoin volume ... Our results do not support the idea that the high valuation of cryptocurrencies is based on the demand from illegal transactions. Instead, they suggest that the majority of Bitcoin transactions is linked to speculation. [Slide 4: "Transaction" Rate]

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#### Bitcoin is only processing around 27K "economically meaningful" transactions/day. And 75% of those are transactions between exchanges, so only 2.5% of the "transactions" are real blockchain-based transfers involving individuals. That's less than 5 per minute. What are the causes of these costs that cryptocurrency users are happy to impose on the rest of us? Fundamentally, they arise from four attributes that cryptocurrencies promise, but in practice don't guarantee: Decentralization Immutability Trustlessness Anonymity Decentralization Nakamoto's motivation for Bitcoin was distrust of institutions, especially central banks. When it launched in the early stage of the Global Financial Crisis, this had resonance. The key to a system that involves less trust is decentralization. Why do suspension bridges have stranded cables not solid rods? The major reason is that solid rods would fail suddenly and catastrophically, whereas stranded cables fail slowly and make alarming noises while they do. We build software systems out of solid rods; they fail abruptly and completely. Most are designed to perform their tasks as fast as possible, so that when they are compromised, they perform the attacker's tasks as fast as possible. Changing this, making systems that are resilient, ductile like copper not brittle like glass, is an extraordinarily difficult problem in software engineering. I got interested in it when, burnt out after three startups all of which IPO-ed, I started work at the Stanford Library on the problem of keeping digital information safe for the long term. This work won my co-authors and I a "Best Paper" award at the prestigious 2003 Symposium on Operating System Principles for a decentralized consensus system using Proof-of-Work. When, five years later, Satoshi Nakamoto published the Bitcoin protocol, a cryptocurrency based on a decentralized consensus mechanism using proof-of-work, I was naturally interested in how it turned out. Decentralization is a necessary but insufficient requirement for system resilience. Centralized systems have a single locus of control. Subvert it, and the system is at your mercy. It only took six years for Bitcoin to fail Nakamto's goal of decentralization, with one mining pool controlling more than half the mining power. In the seven years since no more than five pools have always controlled a majority of the mining power. In 2014 I wrote *Economies of Scale in Peer-to-Peer Networks*, explaining the economic cause of this failure. Briefly, this is an example of the phenomenon described by W. Brian Arthur in 1994's *Increasing returns and path dependence in the economy*. Information technologies have strong economies of scale, so the larger the miner the lower their costs, and thus the greater their profit, and thus the greater their market share. "Blockchain" is unfortunately a term used to describe two completely different technologies, which have in common only that they both use a data structure called a Merkle Tree, commonly in the form patented by Stuart Haber and Scott Stornetta in 1990. This is a linear chain of blocks each including the hash of the previous block. Permissioned blockchains have a central authority controlling which network nodes can add blocks to the chain, and are thus not decentralized, whereas permissionless blockchains such as Bitcoin's do not; this difference is fundamental: Permissioned blockchains can use well-established and relatively efficient techniques such as Byzantine Fault Tolerance, and thus don't have significant carbon footprints. These techniques ensure that each node in the network has performed the same computation on the same data to arrive at the same state for the next block in the chain. This is a consensus mechanism. In principle each node in a permissionless blockchain's network can perform a different computation on different data to arrive at a different state for the next block in the chain. Which of these blocks ends up in the chain is determined by a randomized, biased election mechanism. For example, in Proof-of-Work blockchains such as Bitcoin's a node wins election by being the first to solve a puzzle. The length of time it takes to solve the puzzle is random, but the probability of being first is biased, it is proportional to the compute power the node uses. Initially, because of network latencies, nodes may disagree as to the next block in the chain, but eventually it will become clear which block gained the most acceptance among the nodes. This is why a Bitcoin transaction should not be regarded as final until it is six blocks from the head. Discussing "blockchains" and their externalities without specifying permissionless or permissioned is meaningless, they are completely different technologies. One is 30 years old, the other is 13 years old. Why are economies of scale a fundamental problem for decentralized systems? Because there is no central authority controlling who can participate, decentralized consensus systems must defend against Sybil attacks, in which the attacker creates a majority of seemingly independent participants which are secretly under [their] control. The defense is to ensure that the reward for a successful Sybil attack is less than the cost of mounting it. Thus participation must be expensive, and so will be subject to economies of scale. They will drive the system to centralize. So the expenditure in attempting to ensure that the system is decentralized is a futile waste. Most cryptocurrencies impose these costs, as our earlier system did, using Proof-of-Work. It was a brilliant idea when Cynthia Dwork and Moni Naor originated it in 1992, being both simple and effective. But when it is required to make participation expensive enough for a trillion-dollar cryptocurrency it has an unsustainable carbon footprint. The leading source for estimating Bitcoin's electricity consumption is the Cambridge Bitcoin Energy Consumption Index, whose current central estimate is 117TWh/year. Adjusting Christian Stoll *et al*'s 2018 estimate of Bitcoin's carbon footprint to the current CBECI estimate gives a range of about 50.4 to 125.7 MtCO2/yr for Bitcoin's opex emissions, or between Portugal and Myanmar. Unfortunately, this is likely to be a considerable underestimate. *Bitcoin's growing e-waste problem* by Alex de Vries and Christian Stoll concludes that: Bitcoin's annual e-waste generation adds up to 30.7 metric kilotons as of May 2021. This level is comparable to the small IT equipment waste produced by a country such as the Netherlands. That's an average of one whole MacBook Air of e-waste per "economically meaningful" transaction. The reason for this extraordinary waste is that the profitability of mining depends on the energy consumed per hash, and the rapid development of mining ASICs means that they rapidly become uncompetitive. de Vries and Stoll estimate that the average service life is less than 16 months. This mountain of e-waste contains embedded carbon emissions from its manufacture, transport and disposal. These graphs show that for Facebook and Google data centers, capex emissions are at least as great as the opex emissions[1]. Cryptocurrencies assume that society is committed to this waste of energy and hardware forever. Their response is frantic greenwashing, such as claiming that because Bitcoin mining allows an obsolete, uncompetitive coal-burning plant near St. Louis to continue burning coal it is somehow good for the environment[2]. But, they argue, mining can use renewable energy. First, at present it doesn't. For example, Luxxfolio implemented their commitment to 100% renewable energy by buying 15 megawatts of coal-fired power from the Navajo Nation!. Second, even if it were true that cryptocurrencies ran on renewable power, the idea that it is OK for speculation to waste vast amounts of renewable power assumes that doing so doesn't compete with more socially valuable uses for renewables, or indeed for power in general. Right now the world is short of power; one major reason that China banned cryptocurrency mining was that they needed their limited supplies of power to keep factories running and homes warm. Shortage of energy isn't a short-term problem. This graph is from *Peak oil and the low-carbon energy transition: A net-energy perspective* by Louis Delannoy *et al* showing that as the easiest deposits are exploited first, the Energy Return On Investment, measuring the fraction of the total energy extracted delivered to consumers, decreases. [Slide 11: Oil Energy Gross vs. Net] Chart Description automatically generated Delannoy *et al*'s Figure 1 shows the gross and net oil energy history and projects it to 2050. The gross energy, and thus the carbon emission, peaks around 2035, but because the energy used in extraction (the top yellow band) increases rapidly, the net energy peaks in about 5 years. [Slide 12: CO2 Emission Trajectories] Chart, line chart Description automatically generated This is a problem for two reasons.

#### If society is to survive: Carbon emissions need start decreasing now, not in a decade and a half. Renewables need to be deployed very rapidly. Deploying renewables consumes energy, which is paid back during their initial operation. Thus during the transition to renewable power it consumes energy, reducing that available for other uses[3]. The world cannot afford to waste a Netherlands' worth of energy on speculation that could instead be deploying renewables. If cryptocurrency speculation is to continue, it needs to vastly reduce its carbon footprint by eliminating Proof-of-Work. The two major candidates are Proof-of-Space-and-Time and Proof-of-Stake. Unfortunately, as I detail in *Alternatives To Proof-of-Work*, both lack the simplicity and effectiveness of Proof-of-Work. Proof-of-Space-and-Time attempts to make participation expensive by wasting storage instead of computation. The highest-profile such effort is Bram Cohen's *Chia*, funded by Andreesen Horowitz, the "Softbank of crypto". Chia's "space farmers" create and store "plots" consisting of large amounts of otherwise useless data. The software was ingenious, but the design suffered from naiveté about storage media and markets. When it launched in May, gullible farmers rushed to buy hard disks and SSDs. By July, the capital tied up in farming hardware was around six times the market cap of the Chia coin. Chia's CEO described the result: "we've kind of destroyed the short-term supply chain" Disk vendors were forced to explain that Chia farming voided the media's warranty. Just as with GPUs, the used market was flooded with burnt-out storage. Chia's coin initially traded at $1934 before dropping more than 90% — last I looked it was $109. I expect A16Z made money, but everyone else had to deal with the costs. Chia doesn't use much electricity, more to do with failure than with the technology, but does have a major e-waste problem. [Slide 14: Proof of Stake Sucks] Text Description automatically generated The costs that Proof-of-Stake imposes to make participation expensive are the risk of loss of and the foregone interest on the "stake", an escrowed amount of the cryptocurrency itself. This has two philosophical problems: It isn't just that the Gini coefficients of cryptocurrencies are extremely high[4], but that Proof-of-Stake makes this a self-reinforcing problem. Because the rewards for mining new blocks, and the fees for including transactions in blocks, flow to the HODL-ers in proportion to their HODL-ings, whatever Gini coefficient the systems starts out with will always increase. Proof-of-Stake isn't effective at decentralization. Cryptocurrency whales are believers in "number go up". The eventual progress of their coin "to the moon!" means that the temporary costs of staking are irrelevant. There are also a host of severe technical problems. The accomplished Ethereum team have been making a praiseworthy effort to overcome them for more than 7 years and are still more than a year away from being able to migrate off Proof-of-Work. Among the problems is that at intervals Proof-of-Stake blockchains need to achieve consensus on checkpoints, using a different consensus mechanism from that used to add blocks. I discuss 16 of these problems in *Alternatives To Proof-of-Work*. [Slide 15:Centralization Risk] Yulin Cheng wrote: According to the list of accounts powered up on March. 2, the three exchanges collectively put in over 42 million STEEM Power (SP). With an overwhelming amount of stake, the Steemit team was then able to unilaterally implement hard fork 22.5 to regain their stake and vote out all top 20 community witnesses – server operators responsible for block production – using account @dev365 as a proxy. In the current list of Steem witnesses, Steemit and TRON’s own witnesses took up the first 20 slots. Vitalik Buterin pointed out that lack of decentralization was a security risk in 2017, and this was amply borne out last year when Justin Sun conspired with three exchanges, staking their customers coins to take over the Steem Proof-of-Stake blockchain. Pushing back against the economic forces centralizing these systems is extremely difficult. The last time Ethereum attempted to migrate the mining technology, in 2016 to fix the bug that enabled the DAO disaster, a fraction of the miners refused the upgrade[5]. The great block-size debate showed how resistant Bitcoin is to technical change. Even if a low-carbon alternative to Proof-of-Work were as effective it would likely not be adopted in the face of sunk costs and risk-averse investors. The advantage of permissionless over permissioned blockchains is claimed to be decentralization. How has that worked out in practice? As has been true for the last seven years, no more than five mining pools control the majority of the Bitcoin mining power and last month two pools controlled the majority of Ethereum mining. Makarov and Schoar write: Six out of the largest mining pools are registered in China and have strong ties to Bitmain Techonologies, which is the largest producer of Bitcoin mining hardware, The only non-Chinses [sic] pool among the largest pools is SlushPool, which is registered in the Czech Republic. [Slide 17: Centralized Mining] Makarov and Schoar write: Bitcoin mining capacity is highly concentrated and has been for the last five years. The top 10% of miners control 90% and just 0.1% (about 50 miners) control close to 50% of mining capacity. Furthermore, this concentration of mining capacity is counter cyclical and varies with the Bitcoin price. It decreases following sharp increases in the Bitcoin price and increases in periods when the price drops ... the risk of a 51% attack increases in times when the Bitcoin price drops precipitously or following the halving events. It isn't just the mining pools that are centralized. The top 10% of miners control 90% and just 0.1% (about 50 miners) control close to 50% of mining capacity. This centralization doesn't just increase the system's technical risk, but also its legal risk. The reason is that in almost all cryptocurrencies a transaction wishing to be confirmed is submitted to a public "mempool" of pending transactions. The mining pools choose transactions from there to include in the blocks they attempt to mine. This, as Nicholas Weaver points out, means that mining pools are providing money transmission services under US law: [Slide 18: 31 CFR § 1010.100] The term "money transmission services" means the acceptance of currency, funds, or other value that substitutes for currency from one person and the transmission of currency, funds, or other value that substitutes for currency to another location or person by any means. Thus, in the US, they are required to follow the Anti-Money Laundering/Know Your Customer (AML/KYC) rules as enforced by the Financial Crimes Enforcement Network (FinCEN)[6]. The only pool to try following them: stopped doing this because the larger Bitcoin community objects to the idea of attempting to restrict Bitcoin to legal uses! Most countries follow FinCEN's lead because the penalty for not doing so can be loss of access to the Western world's banking system. As Adem Efe Gencer *et al* pointed out: a Byzantine quorum system of size 20 could achieve better decentralization than proof-of-work mining at a much lower resource cost. Thus the only reason for the massive carbon footprint of Proof-of-Work and the complexity and risk of the alternatives is to maintain the illusion of decentralization. Alas, it is unlikely that any alternative defense against Sybil attacks will be widely enough adopted to mitigate Proof-of-Work's carbon emissions. Immutability Immutability is one of the two things that make the cryptocurrency crime wave so effective. These systems are brittle, make a single momentary mistake and your assets are irretrievable. Immutability sounds like a great idea when everything is going to plan, but in the real world mistakes are inevitable. Lets take a few recent examples — the $23M fee Bitfinex paid for a $100K transaction, or the $19M oopsie at Indexed Finance, or the $31M oopsie at MonoX, or the $90M oopsie at Compound and the subsequent $67M oopsie, all of which left the perpetrators pleading with the benficiaries to return the loot. And in Compound's case threatening its customers with the ultimate crypto punishment, reporting them to the IRS. $12B in DeFi thefts so far, or about 5% of all the funds[7]. Vulnerabilities are equally inevitable, as we see with the $38M, $19M and $130M hacks of Cream Finance this year, last week's $115M hack of BadgerDAO, Sunday's $196M hack of BitMart,and of course the $600M hack of Poly Network. As Trammell Hudson says, "Smart contracts should be considered self-funded bug-bounty platforms". The centralization of Ethereum's mining pools and exchanges allowed Poly Network to persuade them to blacklist the addresses involved. This made it very difficult for the miscreant to escape with the loot, much of which was returned. But it also vividly demonstrated that in most blockchains it is the mining pools that decide which transactions make it into a block, and are thus executed. The small number of dominant mining pools can effectively prevent addresses from transacting, and can prioritize transactions from favored addresses. They can also allow transactions to avoid the public mempool, to prevent them being front-run by bots. This turned out to be useful when a small group of white hats discovered a vulnerability in a smart contract holding $9.6M. The key point of *Escaping the Dark Forest*, Samczsun's account of their night's work, is that, after the group spotted the vulnerability and built a transaction to rescue the funds, they could not put the rescue transaction in the public mempool because it would have been front-run by a bot. They had to find a miner who would put the transaction in a block *without* it appearing in the mempool. In other words, their transaction needed a dark pool. And they had to trust the cooperative miner not to front-run it. Ethereum is, fortunately, very far from decentralized, being centralized around a small number of large pools. Thus, the group needed a trusted pool not an individual miner. At the time, the three largest pools mined more than half the blocks between them, so only three calls would have been needed to have a very good chance that the transaction would appear in one of the next few blocks. Trustlessness Just as economics forces theoretically decentralized blockchain-based systems in practice to be centralized, economics forces theoretically trustless blockchain-based systems in practice to require trusting third parties. As with the equity markets trusted third parties are needed to run "dark pools" to prevent trades being front-run by bots. The lure of profit means that sometimes this trust will be misplaced. For example, Barclays was fined $70M for selling high-frequency traders access to its dark pool. Although there are informal methods like these of recovering from mistakes, they aren't very effective in general, and hardly effective at all in case of crime. Implementing mutability at the blockchain level requires trust, and trust requires a reliable identity for the locus of trust. Most activity in cryptocurrencies actually uses trusted third parties, exchanges, that are layered above the blockchain itself. These use conventional Web-based identities and are routinely compromised. In most cases immutability means the pilfered funds are not recovered. But, more fundamentally, the entire cryptocurrency ecosystem depends upon a trusted third party, Tether, which acts as a central bank issuing the "stablecoins" that cryptocurrencies are priced against and traded in[8]. This is despite the fact that Tether is known to be untrustworthy, having consistently lied about its reserves. Anonymity [Slide 22: Anonymity] Makarov and Schoar write[9]: First, non-KYC entities serve as a gateway for money laundering and other gray activities. ... Second, even if KYC entities were restricted to deal exclusively with other KYC entities, preventing inflows of tainted funds would still be nearly impossible, unless one was willing to put severe restrictions on who can transact with whom ... Finally, notice that while transacting in cash and storing cash involve substantial costs and operational risks, transacting in cryptocurrencies and storing them are essentially costless (apart from fluctuation in value). The other main enabler of the cryptocurrency crime spree is the prospect of transactions that aren't merely immutable but are also anonymous. Anonymity for small transactions is important, but for large transactions it provides the infrastructure for major crime. In the physical world cash is anonymous, but it has the valuable property that the cost and difficulty of transacting increase strongly with size. KYC/AML and other regulations leverage this. Cryptocurrencies lack this property. The ease with which cryptocurrency can be transferred between institutions that do, and do not, observe the KYC/AML regulations means that absent robust action by the US, the KYC/AML regime is doomed. [Slide 23: The Coming Ransomware Storm] Stephen Diehl writes in *The Oncoming Ransomware Storm*: Go to your local bank branch and try to wire transfer $200,000 to an anonymous stranger in Russia and see how that works out. Modern ransomware could not exist without Bitcoin, it has poured gasoline on a fire we may not be able to put out. When you create a loophole channel (however flawed) for parties to engage in illicit financing of anonymous entities beyond the control of law enforcement, it turns out a lot of shady businesses models that are otherwise prevented move from being impractical and risky to perversely incentivized. Ransomware is now very lucrative to the point where there is a whole secondary market of vendors selling Ransomware as a Service picks and shovels to the criminals. The most serious crime enabled by anonymity is ransomware, which is regularly ~~crippling~~ hurting essential infrastructure such as oil pipelines and hospital systems, to say nothing of the losses to business large and small. This business is estimated to gross $5.2B/year and is growing rapidly, aided by a network of specialist service providers. This is just the ransom payments, the actual externalities include the much larger costs of recovering from the attacks. There are cryptocurrencies that provide almost complete anonymity using sophisticated cryptography[10]. For example Monero: Observers cannot decipher addresses trading monero, transaction amounts, address balances, or transaction histories. Monero has become the cryptocurrency of choice for major ransomware gangs, who charge 10% extra for payment in Bitcoin, and plan to insist on Monero in future. It is also the coin of choice for crypto-mining malware, as it is also ASIC-resistant. Bitcoin and similar cryptocurrencies are *pseudonymous* not anonymous. Anyone can create and use an essentially unlimited number of pseudonyms (addresses), but transactions and balances using them are public. A newly minted pseudonym cannot be deanonymized, but as it becomes enmeshed in the public web of transactions maintaining anonymity takes more operational security than most users can manage. Users are aware of the risk that their transactions can be traced, so many engage in wash transactions between addresses they control, and use mixers and tumblers to mingle their coins with those of other miscreants. Because it is almost impossible to actually buy legal goods with Bitcoin, at some point a HODL-er needs to use an exchange to obtain fiat currency[11]. This risks having their identity connected into the web of transactions on the blockchain. Makarov and Schoar conclude: 90% of transaction volume on the Bitcoin blockchain is not tied to economically meaningful activities but is the byproduct of the Bitcoin protocol design as well as the preference of many participants for anonymity. In other words, 90% of Bitcoin's carbon footprint is used in a partially successful attempt to compensate for its deficient anonymity. Because there are existing alternatives that provide greatly increased anonymity, attempts to mitigate the externalities of pseudonoymous cryptocurrencies are likely to be self-defeating. As the ransomware industry shows, users will migrate to these alternatives, reducing the effectiveness of chain analysis. Conclusion The prospects for mitigating each of the four attributes are dismal: Decentralization: although the techniques used to implement decentralization are effective in theory, at scale emergent economic effects render them ineffective. Despite this, decentralization is fundamental to the cryptocurrency ideology, making mitigation of its externalities effectively impossible. Immutability: although mutability is necessary in the real world of mistakes and crime, implementing it in a decentralized system and thereby mitigating its externalities is an unsolved problem. Trustlessness: even if you think this would be a good thing, it is impractical[12]. Anonymity: attempts to mitigate its externalities are likely to be self-defeating. Thus it seems highly unlikely that any effort to mitigate cryptocurrencies' externalities would succeed[13]. [Slide 24: Conclusions] Thus we can conclude that: Permissioned blockchains do not need a cryptocurrency to defend against Sybil attacks, and thus do not have significant externalities. Permissionless blockchains require a cryptocurrency, and thus necessarily impose all the externalities I have described except the carbon footprint. If successful, permissionless blockchains using Proof-of-Work, or any other way to waste a real resource as a Sybil defense, have unacceptable carbon footprints. Whatever Sybil defense they use, economics forces successful permissionless blockchains to centralize; there is no justification for wasting resources in a doomed attempt at decentralization. I've talked for about half an hour, but the answer to the question "Can We Mitigate The Externalities Of Cryptocurrencies?" could have been immediately deduced from Betteridge's Law of Headlines, which states: Any headline that ends in a question mark can be answered by the word no. Given this, and the fact that cryptocurrencies are designed to resist harm reduction by regulation, the correct policy response is to follow the Chinese example and make cryptocurrencies illegal. Thank you for your attention, I'm ready for questions.

#### No solvency – the three largest blockchain platforms don’t operate in the US – Ethereum is in Switzerland, binance in the cayman islands and cardano in Japan – they don’t change the financial regulations that are at the root of lack of US investment – just preventing future misconduct is not the same as making it easier for platforms to operate in the US

#### Infrastructure bill solves internet of things impacts because it funds broadband OR huge alt causes. Also no incentive for beekeepers to specifically use blockchain when they can just set up their own iot

#### Bees are doing fine and tons of alt causes

Hageman, 20

(Markie Hageman, "Are honey bees endangered? Here’s the truth of the matter", 6/24/20, https://www.agdaily.com/crops/are-honey-bees-endangered/)

Although, the honey bee isn’t on the endangered list, many are still under the impression that they soon will go extinct. Since this species is known for its role in agriculture, the blame is often placed on the ag industry for Colony Collapse Disorder, specifically related pesticide use. This blame is misguided, however, according to many reports. An extensive analysis done by The Washington Post and published in 2017 show bee numbers sitting at close to historical highs. The research showed that since 2006, when CCD was identified, the number of honeybee colonies has risen, from 2.4 million that year to 2.7 million in 2014. While some loss in individual bee numbers over winter months is expected, The Washington Post’s report came on the heels of another major announcement related to Colony Collapse Disorder: The rate of loss among honey bee colonies reached its lowest point in years. Data from the U.S. Department of Agriculture’s National Agricultural Statistics Service point to general strengths in honey bee colonies: “In 2017, the United States had 2.88 million honey bee colonies, down 12 percent from the record high 3.28 million colonies in 2012, but down less than 1 percent from 2007,” the agency said. Adding context to the data compiled independently from The Washington Post and the USDA, the American Council on Science and Health has stated: “CCD, which lasted for about 3-5 years, is a sudden phenomenon in which the majority of worker bees mysteriously disappear. That problem, which showed up most dramatically in California, abated by 2011.” Part of the reason public awareness of Colony Collapse Disorder was amplified was the start and alarming number of hives that were not surviving the winter in the mid- to late-2000s — a number that hovered around 60 percent. According to the U.S. Environmental Protection Agency, “The number of hives that do not survive over the winter months — the overall indicator for bee health — has maintained an average of about 28.7 percent since 2006-2007 but dropped to 23.1 percent for the 2014-2015 winter. While winter losses remain somewhat high, the number of those losses attributed to CCD has dropped from roughly 60 percent of total hives lost in 2008 to 31.1 percent in 2013.” Since that time, CCD is not even mentioned as a factor by the EPA in winter hive losses. There do not appear to be enduring declines in colony numbers. Chronic bee paralysis A growing threat to bees in some regions is chronic bee paralysis, a disease caused by a virus known as chronic bee paralysis virus (CBPV), where infected bees die within a week. This leads to piles of dead bees just outside honey bee hives and whole colonies are frequently lost to the disease. Chronic bee paralysis symptoms include abnormal trembling, an inability to fly, and the development of shiny, hairless abdomens. Researchers in the United Kingdom found that the number of honey bee colonies affected with chronic bee paralysis rose exponentially between 2007 and 2017. Data collected from visits to over 24,000 beekeepers confirmed that while chronic bee paralysis was recorded only in Lincolnshire in 2007, a decade later it was present in 39 of 47 English and six of eight Welsh counties. The scientists also found that clusters of chronic bee paralysis, where disease cases are found close together, were becoming more frequent.

#### Their blockchain solves nuke war ev is terrible – goverments wouldn’t share ledgers or would just lie.

#### No widespread prolif and it’s not destabilizing

Schneider, 20

(Jonas Schneider 20. Senior researcher at the Center for Security Studies, held post-​doctoral fellowships at the German Institute for International and Security Affairs (SWP) in Berlin and at the CSS and worked as a research associate at the Institute for Security Policy at the University of Kiel, holds a PhD in Political Science from the University of Kiel. 2020. “Chapter 26 Nuclear Proliferation and International Security.” Understanding Global Politics: Actors and Themes in International Affairs, edited by Klaus Larres and Ruth Wittlinger, Routledge, pp. 409–425.)

Other analysts have sounded a much less alarmist tone, however. Some scholars even suggested that an Iranian bomb held great potential for stabilising an unbalanced and volatile Middle East (Waltz, 2012). Closer to the mainstream of Western strategic discourse, various experts have argued that despite the risks of proliferation, nuclear weapons, and the deterrent they provide should get (more) credit for contributing, in combination with other factors, to what has been labelled ‘the Long Peace’ among the great powers since 1945 (Gaddis, 1999, p. 268–271; Gavin, 2012a, p. 164; Acton 2010, pp. 16–17). Still others have contended that because nuclear proliferation is such a rare phenomenon, and since robust nonproliferation measures tend to be disruptive, the net destabilising effect of new nuclear countries is quite small and, therefore, manageable (Mueller 2010, pp. 95–99; Hymans 2013, pp. 293–296). The question of whether nuclear proliferation has stabilising or destabilising effects is not just fascinating for scholars of the nuclear age, but also highly consequential for practical policy issues. For in order to debate the merits of particular policy choices – such as preventive military strikes against nuclear facilities, grand bargains with potential proliferators or complete nuclear disarmament – we need to understand first how the spread of nuclear weapons impacts regional and global security. The chapter proceeds in three steps. The first section provides the foundation for the other parts by summarising what we know about empirical patterns of proliferation and the utility of nuclear weapons for statecraft. The second section then engages the literature on the consequences of proliferation, focusing in particular on how proliferation has influenced international stability. The final section explores whether some states have been more affected than others, and what measures these states have taken to prevent proliferation, or at least mitigate its negative consequences. Patterns of nuclear proliferation and the utility of nuclear weapons Nuclear proliferation is commonly defined as the spread of nuclear weapons to states that did not previously have them. Within a broader conceptual framework that is rarely used by scholars, yet popular in the arms control community, this diffusion of nuclear weapons to additional states is labelled horizontal proliferation. It is conceptually accompanied by the notion of vertical proliferation, which refers to qualitative improvements and increases in the number of nuclear weapons in the stockpiles of existing nuclear weapon states. In accordance with the typical usage of the term in the scholarly debate, this chapter focuses only on how the horizontal proliferation of nuclear weapons affects international stability. One important empirical pattern that has shaped how nuclear proliferation is understood concerns the way in which nuclear weapons have spread. The word ‘spread’ appears to suggest that the established nuclear powers have provided other interested nations with (at least a few) operational nuclear warheads. Yet such transfers have never been undertaken. Certainly, states that sought nuclear weapons have often received significant assistance from other nations (Schofield, 2014; Fuhrmann, 2012), sometimes in the form of highly sensitive technologies (Kroenig, 2010). Nonetheless, since all these transfers remained well below the weapons threshold, nations seeking nuclear weapons always had to build them indigenously. Hence, in reality, the spread of nuclear weapons has meant that merely the ambition to possess a nuclear arsenal has spread to additional states, each of which then had to pursue that goal primarily through indigenous efforts. Importantly, since a state’s national efforts to turn its desire for nuclear weapons into reality naturally span several (and sometimes many) years, nuclear proliferation must be conceived of as a process, as opposed to just a single step (Meyer, 1986). This point is reinforced by the fact that 29 out of 39 states that have embarked upon that path (Müller and Schmidt, 2010, p. 157; Mikoyan, 2012; Santoro, 2017) have not acquired a nuclear arsenal. Hence, a lot of nuclear proliferation activity has been undertaken by nations that did not ultimately become nuclear weapon states. Three patterns explain this situation. First, owing not just to the technological, but also the institutional and managerial challenges of the task, some nations simply failed in their efforts to build the bomb (Hymans, 2012; Braut-Hegghammer, 2016). Second, a few countries have chosen a nuclear ‘hedging’ strategy, intentionally confining their efforts to developing the technological capability to build an arsenal quickly while refraining from exercising that option (Narang, 2016–17, p. 134). Third, several states have undertaken a ‘nuclear reversal’, abandoning their nuclear weapons activities before developing nuclear explosive devices (Müller and Schmidt, 2010).

#### Fundamentally, the issue with this entire advantage is either this would’ve already been done with web 2.0 or would have no proper incentive to occur. A few examples

* Beekeeping using IOT: Can happen without a blockchain
* Decentralized recycling: Already happens in some Nordic countries, but there needs to be some central body delivering these payments and picking up recycling
* Nuke prolif: No country would sign on to have their nuclear armaments be attached to some public ledger

### Adv 2 FTC

#### Clog DA is a turn on this as this now requires the courts and FTC to be knowledgeable on the complexities of blockchain

#### Assign the aff zero risk – tasking courts to define the nucleus size is an enforcement disaster – have to do it on case-by-case analysis and new shitcoins pop up every day.

1AC Screpel, 21

[Dr. Thibault, PhD in Antitrust Law from Université Paris-Saclay, LLM in International Law and Legal Studies from the Brooklyn Law School, Associate Professor of Law at VU Amsterdam University, Faculty Affiliate and Creator and Director of the Computational Antitrust Project at the Stanford University CodeX Center, Blockchain + Antitrust: The Decentralization Formula, p. 125-6]//AD

\*un-underlined edited for gendered language

Courts and antitrust agencies will face the task of determining the nucleus size. The further away a participant will be from the nucleus’s center, the more difficult it will become to genuinely include her or him in the nucleus. With distance, it will prove harder to show that ~~she or he~~ could have influenced other participants’ behavior. Only a case-by-case analysis can elucidate this question. This analysis should nevertheless be based on concrete and quantifiable frameworks to ensure legal certainty, limit legal errors and reduce regulatory costs. To this end, agencies should focus their investigation on economic agents’ ability to exert a horizontal power of command and control. They should also consider their capacity to interfere with the blockchain’s economic value and influence norms.70

#### Also according to their own author dismantling the “nucleus” would essentially get rid of people who actually care about the blockchain in question

1AC Screpel 21

I contend that such a coalition exists for each blockchain (at least, for the surviving ones),65 and I call it the nucleus. The nucleus includes all the participants who have a personal interest (albeit transiently) to collaborate toward the same long-term goal: ensuring the blockchain’s survival.66 Its members do not compete as they are, together, trying to maintain and expand their blockchain. Their short-term interests may diverge from time to time67 - for example, when two miners are racing to mine new blocks.68 Still, they seek to ensure blockchain integrity and systematically promote the same blockchain instead of other ones.

#### No AI impact

Geist, 15

(Edward Moore Geist 15, MacArthur Nuclear Security Fellow at Stanford University's Center for International Security and Cooperation, 8/9/15, “Is artificial intelligence really an existential threat to humanity?,” <http://thebulletin.org/artificial-intelligence-really-existential-threat-humanity8577>)

Superintelligence: Paths, Dangers, Strategies is an astonishing book with an alarming thesis: Intelligent machines are “quite possibly the most important and most daunting challenge humanity has ever faced.” In it, Oxford University philosopher Nick Bostrom, who has built his reputation on the study of “existential risk,” argues forcefully that artificial intelligence might be the most apocalyptic technology of all. With intellectual powers beyond human comprehension, he prognosticates, self-improving artificial intelligences could effortlessly enslave or destroy Homo sapiens if they so wished. While he expresses skepticism that such machines can be controlled, Bostrom claims that if we program the right “human-friendly” values into them, they will continue to uphold these virtues, no matter how powerful the machines become. These views have found an eager audience. In August 2014, PayPal cofounder and electric car magnate Elon Musk tweeted “Worth reading Superintelligence by Bostrom. We need to be super careful with AI. Potentially more dangerous than nukes.” Bill Gates declared, “I agree with Elon Musk and some others on this and don’t understand why some people are not concerned.” More ominously, legendary astrophysicist Stephen Hawking concurred: “I think the development of full artificial intelligence could spell the end of the human race.” Proving his concern went beyond mere rhetoric, Musk donated $10 million to the Future of Life Institute “to support research aimed at keeping AI beneficial for humanity.” Superintelligence is propounding a solution that will not work to a problem that probably does not exist, but Bostrom and Musk are right that now is the time to take the ethical and policy implications of artificial intelligence seriously. The extraordinary claim that machines can become so intelligent as to gain demonic powers requires extraordinary evidence, particularly since artificial intelligence (AI) researchers have struggled to create machines that show much evidence of intelligence at all. While these investigators’ ultimate goals have varied since the emergence of the discipline in the mid-1950s, the fundamental aim of AI has always been to create machines that demonstrate intelligent behavior, whether to better understand human cognition or to solve practical problems. Some AI researchers even tried to create the self-improving reasoning machines Bostrom fears. Through decades of bitter experience, however, they learned not only that creating intelligence is more difficult than they initially expected, but also that it grows increasingly harder the smarter one tries to become. Bostrom’s concept of “superintelligence,” which he defines as “any intellect that greatly exceeds the cognitive performance of humans in virtually all domains of interest,” builds upon similar discredited assumptions about the nature of thought that the pioneers of AI held decades ago. A summary of Bostrom’s arguments, contextualized in the history of artificial intelligence, demonstrates how this is so. In the 1950s, the founders of the field of artificial intelligence assumed that the discovery of a few fundamental insights would make machines smarter than people within a few decades. By the 1980s, however, they discovered fundamental limitations that show that there will always be diminishing returns to additional processing power and data. Although these technical hurdles pose no barrier to the creation of human-level AI, they will likely forestall the sudden emergence of an unstoppable “superintelligence.” The risks of self-improving intelligent machines are grossly exaggerated and ought not serve as a distraction from the existential risks we already face, especially given that the limited AI technology we already have is poised to make threats like those posed by nuclear weapons even more pressing than they currently are. Disturbingly, little or no technical progress beyond that demonstrated by self-driving cars is necessary for artificial intelligence to have potentially devastating, cascading economic, strategic, and political effects. While policymakers ought not lose sleep over the technically implausible menace of “superintelligence,” they have every reason to be worried about emerging AI applications such as the Defense Advanced Research Projects Agency’s submarine-hunting drones, which threaten to upend longstanding geostrategic assumptions in the near future. Unfortunately, Superintelligence offers little insight into how to confront these pressing challenges.

#### No heg impact

Fettweis, 20

(Christopher J., Associate Professor of Political Science at Tulane University. 6-3-2020, "Delusions of Danger: Geopolitical Fear and Indispensability in U.S. Foreign Policy", *A Dangerous World? Threat Perception and U.S. National Security*, https://www.cato.org/publications/publications/delusions-danger-geopolitical-fear-indispensability-us-foreign-policy)

Like many believers, proponents of hegemonic stability theory base their view on faith alone.41 There is precious little evidence to suggest that the United States is responsible for the pacific trends that have swept across the system. In fact, the world remained equally peaceful, relatively speaking, while the United States cut its forces throughout the 1990s, as well as while it doubled its military spending in the first decade of the new century.42 Complex statistical methods should not be needed to demonstrate that levels of U.S. military spending have been essentially unrelated to global stability. Hegemonic stability theory’s flaws go way beyond the absence of simple correlations to support them, however. The theory’s supporters have never been able to explain adequately how precisely 5 percent of the world’s population could force peace on the other 95 percent, unless, of course, the rest of the world was simply not intent on fighting. Most states are quite free to go to war without U.S. involvement but choose not to. The United States can be counted on, especially after Iraq, to steer well clear of most civil wars and ethnic conflicts. It took years, hundreds of thousands of casualties, and the use of chemical weapons to spur even limited interest in the events in Syria, for example; surely internal violence in, say, most of Africa would be unlikely to attract serious attention of the world’s policeman, much less intervention. The continent is, nevertheless, more peaceful today than at any other time in its history, something for which U.S. hegemony cannot take credit.43 Stability exists today in many such places to which U.S. hegemony simply does not extend.

## K

#### Capitalism will cause a global civil war – manufactured tensions with Russia and China and scapegoating to distract from crises guarantees nuclear war, ecological collapse, superbugs, fascism, and inequality

Robinson, 21

(William I., professor of sociology and global studies @ UCSB, "What are the real reasons behind the New Cold War?", ROAR Magazine, 05/06/2021, https://roarmag.org/essays/new-cold-war-crisis-capitalism/?fbclid=IwAR2RzXn0SMlPSiLfXcXNtTcDIybQa6GxH\_eodUmyEww2i59lh5qHpZpcwhk)

The US is launching a New Cold War against Russia and China in an attempt to deflect our attention from the escalating crisis of global capitalism. The announcement on April 15 by President Biden that this administration was expelling 10 Kremlin diplomats and imposing new sanctions for alleged Russian interference in the 2020 US elections — to which Russia replied with a tit for tat — came just days after the Pentagon conducted military drills in the South China Sea. These actions were but the latest escalation of aggressive posturing as Washington ramps up its “New Cold War” against Russia and China, pushing the world dangerously towards international political and military conflagration. Most observers attribute this US-instigated war to rivalry and competition over hegemony and international economic control. These factors are important, but there is a bigger picture that has been largely overlooked of what is driving this process: the crisis of global capitalism. This crisis is economic, or structural. One of chronic stagnation in the global economy. But it is also political: a crisis of state legitimacy and capitalist hegemony. The system is moving towards what we call “a general crisis of capitalist rule” as billions of people around the world face uncertain struggles for survival and question a system they no longer see as legitimate. In the United States, the ruling groups must channel fear over tenuous survival away from the system and towards scapegoated communities, such as immigrants or Asians blamed for the pandemic, and towards external enemies such as China and Russia. At the same time, rising international tensions legitimate expanding military and security budgets and open up new opportunities for profit making through war, political conflict and repression in the face of stagnation in the civilian economy. All around the world a “people’s spring” has taken off. From Chile to Lebanon, Iraq to India, France to the United States, Haiti to Nigeria and South Africa to Colombia, waves of strikes and mass protests have proliferated and, in many instances, appear to be acquiring a radical anti-capitalist character. The ruling groups cannot but be frightened by the rumbling from below. If left unchallenged, the New Cold War will become a cornerstone in the arsenal of US rulers and transnational elites to maintain a grip on power as the crisis deepens. THE CRISIS OF GLOBAL CAPITALISM Economically, global capitalism faces what is known in technical language as “overaccumulation”: a situation in which the economy has produced — or has the capacity to produce — great quantities of wealth but the market cannot absorb this wealth because of escalating inequality. Capitalism by its very nature will produce abundant wealth yet polarize that wealth and generate ever greater levels of social inequality unless offset by redistributive policies. The level of global social polarization and inequality now experienced is without precedent. In 2018, the richest one percent of humanity controlled more than half of the world’s wealth while the bottom 80 percent had to make do with just five percent. Such inequalities end up undermining the stability of the system as the gap grows between what is — or could be — produced and what the market can absorb. The extreme concentration of the planet’s wealth in the hands of the few and the accelerated impoverishment and dispossession of the majority means that the transnational capitalist class, or TCC, has increasing difficulty in finding productive outlets to unload enormous amounts of surplus it accumulated. The more global inequalities expand, the more constricted the world market becomes and the more the system faces a structural crisis of overaccumulation. If left unchecked, expanding social polarization results in crisis — in stagnation, recessions, depressions, social upheavals and war — just what we are experiencing right now. Contrary to mainstream accounts, the coronavirus pandemic did not cause the crisis of global capitalism, for this was already upon us. On the eve of the pandemic, growth in the EU countries had already shrunk to zero, much of Latin America and sub-Sahara Africa was in recession, growth rates in Asia were steadily declining, and North America faced a slowdown. The writing was on the wall. The contagion was but the spark that ignited the combustible of a global economy that never fully recovered from the 2008 financial collapse and had been teetering on the brink of renewed crisis ever since. Even if there is a momentary recovery as the world slowly emerges from the pandemic, global capitalism will remain mired in this structural crisis of overaccumulation. In the years leading up to the pandemic there was a steady rise in underutilized capacity and a slowdown in industrial production around the world. The surplus of accumulated capital with nowhere to go expanded rapidly. Transnational corporations recorded record profits during the 2010s at the same time that corporate investment declined. The total cash held in reserves of the world’s 2,000 biggest non-financial corporations increased from $6.6 trillion in 2010 to $14.2 trillion in 2020 — considerably more than the foreign exchange reserves of the world’s central governments — as the global economy stagnated. Wild financial speculation and mounting government corporate, and consumer debt drove growth in the first two decades of the 21st century, but these are temporary and unsustainable solutions to long-term stagnation. THE GLOBAL WAR ECONOMY As I showed in my 2020 book, The Global Police State, the global economy has become ever more dependent on the development and deployment of systems of warfare, social control and repression simply as a means of making profit and continuing to accumulate capital in the face of chronic stagnation and saturation of global markets. This is known as “militarized accumulation” and refers to a situation in which a global war economy relies on perpetual state organized war making, social control and repression — driven now by new digital technologies — in order to sustain the process of capital accumulation. The events of September 11, 2001 marked the start of an era of a permanent global war in which logistics, warfare, intelligence, repression, surveillance and even military personnel are more and more the privatized domain of transnational capital. The Pentagon budget increased 91 percent in real terms between 1998 and 2011, while worldwide, total state military budgets outlays grew by 50 percent from 2006 to 2015, from $1.4 trillion to more than $2 trillion, although this figure did not take into account the hundreds of billions of dollars spent on intelligence, contingency operations, policing, bogus wars against immigrants, terrorism and drugs, and “homeland security.” During this time, military-industrial complex profits quadrupled. But focusing just on state military budgets only gives us a part of the picture of the global war economy. The various wars, conflicts and campaigns of social control and repression around the world involve the fusion of private accumulation with state militarization. In this relationship, the state facilitates the expansion of opportunities for private capital to accumulate through militarization, such as by facilitating global weapons sales by military-industrial-security firms, the amounts of which have reached unprecedented levels. Global weapons sales by the top 100 weapons manufacturers and military service companies increased by 38 percent between 2002 and 2016. By 2018, private for-profit military companies employed some 15 million people around the world, while another 20 million people worked in private security worldwide. The private security (policing) business is one of the fastest growing economic sectors in many countries and has come to dwarf public security around the world. The amount spent on private security in 2003, the year of the invasion of Iraq, was 73 percent higher than that spent in the public sphere, and three times as many persons were employed in private forces as in official law enforcement agencies. In half of the world’s countries, private security agents outnumber police officers. These corporate soldiers and police were deployed to guard corporate property, provide personal security for TCC executives and their families, collect data, conduct police, paramilitary, counterinsurgency and surveillance operations, carry out mass crowd control and repression of protesters, run private detention and interrogation facilities, manage prisons and participate in outright warfare. In 2018, President Trump announced with much fanfare the creation of a sixth military service, the “space force.” The corporate media duly towed the official line that this force was needed to face expanding threats to the United States. What went less reported is that a small group of former government officials with deep ties to the aerospace industry had pushed behind the scenes for its creation as a way to hype military spending on satellites and other space systems. In February of this year, the Federation of American Scientists reported that military-industrial complex lobbying is responsible for the decision by the US government to invest at least $100 billion to beef up its nuclear stockpile. The Biden administration announced in early April to much acclaim that it would pull all US troops out of Afghanistan. While US service troops in that country number 2,500, these pale in comparison with the more than 18,000 contractors that US government has hired to do its bidding in the country, including at least 5,000 corporate soldiers that will remain. The so-called wars on drugs and terrorism, the undeclared wars on immigrants, refugees and gangs — and poor, dark-skinned and working-class youth more generally — the construction of border walls, immigrant detention centers, prison-industrial complexes, systems of mass surveillance and the spread of private security guard and mercenary companies, have all become major sources of profit-making and they will become more important to the system as stagnation becomes the new normal. In sum, the global police state is big business at a time when other opportunities for transnational corporate profit-making are limited. But if corporate profit, and not an external threat, is the reason for expanding the US state and corporate war machine and the global police state, this must still be justified to the public. The official state propaganda narrative about the “New Cold War” serves this purpose. CONJURING UP EXTERNAL ENEMIES There is another dynamic at work in explaining the New Cold War: the crisis of state legitimacy and capitalist hegemony. International tensions derive from the acute political contradiction in global capitalism in which economic globalization takes places within a nation-state-based system of political authority. To put this in technical terms, there is a contradiction between the accumulation function and the legitimacy function of states. That is, states face a contradiction between the need to promote transnational capital accumulation in their individual national territories and their need to achieve political legitimacy and stabilize the domestic social order. Attracting transnational corporate and financial investments to the national territory requires providing capital with all the incentives associated with neoliberalism, such as downward pressure on wages, union busting, deregulation, low or no taxes, privatization, investment subsidies, fiscal austerity and on so. The result is rising inequality, impoverishment and insecurity for working and popular classes; precisely the conditions that throw states into crises of legitimacy, destabilize national political systems and jeopardize elite control. International frictions escalate as states, in their efforts to retain legitimacy, seek to sublimate social and political tensions and to keep the social order from fracturing. In the US, this sublimation has involved channeling social unrest towards scapegoated communities such as immigrants — this is one key function of racism and was a core component of the Trump government’s political strategy — or towards an external enemy such as China or Russia, which is clearly becoming a cornerstone of the Biden government’s strategy. While the Chinese and Russian ruling classes must also face the economic and political fallout of global crisis, their national economies are less dependent on militarized accumulation and their mechanisms of legitimization rest elsewhere — not on conflict with the US. It is Washington that is conjuring up the New Cold War, based not on any political or military threat from China and Russia, much less from economic competition, as US- and Chinese-based transnational corporations are deeply cross-invested, but on the imperative of managing and sublimating the crisis. The drive by the capitalist state to externalize the political fallout of the crisis increases the danger that international tensions will lead to war. Historically wars have pulled the capitalist system out of crisis while they serve to deflect attention from political tensions and problems of legitimacy. The so-called “peace dividend” that was to result in demilitarization when the original Cold War ended with the 1991 collapse of the Soviet Union evaporated almost overnight with the events of September 2001, which legitimated the sham “War on Terror” as a new pretext for militarization and reactionary nationalism. US presidents historically reach their highest approval ratings when they launch wars. George W. Bush reached an all-time-high of 90 percent in 2001 as his administration geared up to invade Afghanistan, and his father George H. W. Bush achieved an 89 percent approval rating in 1991, right as the US declared the end of its (first) invasion of Iraq and the “liberation of Kuwait.” THE BATTLE FOR THE POST-PANDEMIC WORLD We are currently witnessing a radical restructuring and transformation of global capitalism based on a much more advanced digitalization of the entire global economy and society. This process is driven by so-called fourth industrial revolution technologies, including artificial intelligence and machine learning, Big Data, autonomously driven land, air and sea vehicles, quantum and cloud computing, 5G bandwidth, bio- and nanotechnology and the Internet of Things, or IoT. The crisis is not only economic and political, but also existential because of the threats of ecological collapse and nuclear war, to which we must add the danger of future pandemics that may involve much deadlier microbes than coronaviruses. The pandemic lockdowns served as dry runs for how digitalization may allow the dominant groups to step up restructuring time and space and to exercise greater control over the global working class. The system is now pushing towards expansion through militarization, wars and conflicts, through a new round of violent dispossession and through further plunder of the state. The ruling classes are also using the health emergency to legitimate tighter control over restive populations. The changing social and economic conditions brought about by the pandemic and its aftermath are accelerating the process. These conditions have helped a new bloc of transnational capital, led by the giant tech companies, interwoven as they are with finance, pharmaceuticals and the military-industrial complex, to amass ever greater power and to consolidate its control over the commanding heights of the global economy. As restructuring proceeds, it heightens the concentration of capital worldwide, worsens social inequality and also aggravates international tensions and the dangers of military conflagration. In 2018, just seventeen global financial conglomerates collectively managed $41.1 trillion dollars — more than half the GDP of the entire planet. That same year, to reiterate, the richest one percent of humanity led by 36 million millionaires and 2,400 billionaires controlled more than half of the world’s wealth while the bottom 80 percent — nearly six billion people — had to make do with just five percent of this wealth. The result is devastation for the poor majority of humanity. Worldwide, 50 percent of all people live on less than $2.50 a day and a full 80 percent live on less than $10 per day. One in three people on the planet suffer from some form of malnutrition, nearly a billion go to bed hungry each night and another two billion suffer from food insecurity. Refugees from war, climate change, political repression and economic collapse already number into the hundreds of millions. The New Cold War will further immiserate this mass of humanity. Capitalist crises are times of intense social and class struggles. There has been a rapid political polarization in global society since 2008 between an insurgent far-right and an insurgent left. The ongoing crisis has incited popular revolts. Workers, farmers and poor people have engaged in a wave of strikes and protests around the world. From Sudan to Chile, France to Thailand, South Africa to the United States, a “people’s spring” is breaking out everywhere. But the crisis also animates far-right and neofascist forces that have surged in many countries around the world and that sought to capitalize politically on the health calamity and its aftermath. Neofascist movements and authoritarian and dictatorial regimes have proliferated around the world as democracy breaks down. Such savage inequalities are explosive. They fuel mass protest by the oppressed and lead the ruling groups to deploy an ever more omnipresent global police state to contain the rebellion of the global working and popular classes. Global capitalism is emerging from the pandemic in a dangerous new phase. The contradictions of this crisis-ridden system have reached the breaking point, placing the world into a perilous situation that borders on global civil war. The stakes could not be higher. The battle for the post-pandemic world is now being waged. Part of that battle is to expose the New Cold War as a ruse by the dominant groups to deflect our attention from the escalating crisis of global capitalism. The US is launching a New Cold War against Russia and China in an attempt to deflect our attention from the escalating crisis of global capitalism.

### Framework

#### We win under their interpretation – if we win the system causes extinction or is unsustainable it means the aff is undesirable

#### Counterinterp – This debate is about competing political orientations – The neg can test the aff’s consequences and ideological basis.

#### Prefer it –

#### 1. Clash and ground – Cap is core of the topic, predictable, and the only functional limit since DAs are nonuq. Last speech and infinite prep outweigh any of their offense.

### Perm

#### 2. The perm waters down the alt and guarantees that elites retain ideological and material control – their strategic duplicity ev proves

Bolton, 16

(Michael, Associate Professor of Political Science, Pace University, Elizabeth Minor, Visiting Research Scholar @ Jindal school of international affairs, “The Discursive Turn Arrives in Turtle Bay: The International Campaign to Abolish Nuclear Weapons’ Operationalization of Critical IR Theories,” https://onlinelibrary.wiley.com/doi/full/10.1111/1758-5899.12343)

Within the IR literature there is a perennial admonition to make theory more ‘relevant’ to policy makers, but this is usually cast in problem‐solving terms: producing knowledge that solves the problems faced by the existing political framework. (Lepgold, 1998; Eriksson and Sundelius, 2005; Walt, 2005). Many of those engaged in critical theorizing resist such demands to be ‘useful,’ suspicious of the operationalization of academic work in oppressive systems, and tend towards a position of ‘resistance’ to the system as a whole. Critical security studies scholar Anna Stavrianakis (2012, p. 233) for example, calls on disarmament activists to demand ‘transgressive change that fundamentally alters the social landscape as well as generates concrete improvements’ rather than calling for ‘incremental changes that leave the parameters of an issue untouched’. Given the centrality of discourse to critical theorizing, resistance is often framed not in terms of taking territory, mobilizing bodies, changing legislation, gaining votes or raising money. Rather it tends to focus on the critical deconstruction of oppressive discourse and disruption of existing norms (e.g. Hargreaves, 2012). As a result, many critical IR scholars see their academic work – undermining dominant discourses through their scholarship and teaching – as their primary form of resistance. (Said, 1996). An emerging generation of political actors were educated by post‐positivist and critical IR scholars and conceive of their work self‐consciously in discursive terms. That is, they frame their intervention in the political arena as a deliberate attempt to reshape the way society speaks about and gives meaning to a particular phenomenon, people, group or activity. Occupy Wall Street activists drew upon critical and discursive theories to strategize their symbolic disruption of the neo‐liberal order (Welty, 2013). LGBTQA activists and ‘third wave’ feminists are trying to change dominant discourses of gender and sexuality (e.g. St. Pierre, 2000). However, critical theory has had less impact on the realm of international military and security policy, which remains heavily influenced by realist thought (Cooper, 2006). As critical theorizing has begun to be used for solving definable political problems (e.g. Davies, 2012; Merlingen, 2013), what Brown (2013) calls ‘critical problem‐solving theory’, it has eroded Cox's (1981) boundary between ‘problem‐solving’ and critical theories. What happens when a theoretical paradigm that explicitly defines itself in critical opposition is instrumentalized and used in problem‐solving ways? This question, which we begin to explore in this article, is underexamined in the literature (see Weizman, 2012, pp. 185–220 for an important exception). According to the epistemic community literature (e.g. Haas 2004), the education of policy makers can shape their later actions (Eriksson and Sundelius, 2005). Most usefully for this article, it shows how at critical junctures policy makers will turn to experts. Policy makers tend to be less interested in meta‐theory or broad academic debates about an issue. Rather, they look for knowledge that can be used instrumentally to solve a particular policy problem (e.g. Hall, 1993). But moving theoretical ideas from academia, through the activist community, to the policy arena, dilutes the original ideas and reinterprets them in instrumental ways. To help understand this, we draw on postcolonial concepts of ‘translation’ and ‘creolization’ of different ‘knowledge systems’ pushed into contact (Shih and Lionet, 2011, p. 30). We find that some ICAN campaigners responsible for its current strategy have ‘translated’ IR discursive theory into the world of disarmament policy making. In doing so, they selected the aspects of critical security studies ‘to transpose and emphasize’ (cf. Tymoczko, 2000 p. 24) as befit their specific political goals. This creative application of critical theory in a new setting, in its translation of theory into political engagement, may necessarily involve rendering it less threatening to elite audiences, in the process of seeking policy changes (cf. Jeffrey, 2013, pp. 107–131).

#### 3. Blockchain accounting reproduces global neoliberalism – blockchain’s rhetoric and technological structure create a climate of distrust and self-interest – decentralization doesn’t re-distribute wealth, it just makes regulating corporate power impossible

Watters 16 – Audrey, tech education writer and independent scholar, former editor of Educating Modern Learners and author of The Monsters of Education Technology, ABD in Comparative Literature from the University of Oregon. “The Ideology of the Blockchain (for Education)”, HackEducation, <http://hackeducation.com/2016/04/14/blockchain-ideology>, 04-14-2016

Arguably, the blockchain and its potential applicability to education is much more obviously “ideologically freighted,” because of its connections to the cryptocurrency Bitcoin. Many proponents of the blockchain insist that the “distributed ledger” can be separated from Bitcoin, but I’m not certain that it can be severed quite so neatly – either technologically or ideologically.

VCU professor David Golumbia has written extensively about the politics of Bitcoin, which he describes (in a 2015 article as well as in a forthcoming book) as “right-wing extremism” – evident in the rhetoric about the cryptocurrency as well as in the design and functionality of the software itself.

Golumbia connects the some of the ideas underlying Bitcoin to “cyberlibertarianism” – the belief that the government should not regulate the Internet and that “freedom” is something created by and through digital technologies. Cyberlibertarianism is also, as the name suggests, tied more generally to libertarian beliefs about freedom and liberty and the state’s supposed role in circumscribing these. “Free“ as in ”free markets.”

Golumbia also traces the origins of and interest in Bitcoin to certain right-wing beliefs about the operation of the world’s monetary system, which includes a rejection of central banking as a vast conspiracy of the global (Jewish) elite. From an explanation of Bitcoin written by Satoshi Nakamoto, its pseudonymous creator, in 2009:

The root problem with conventional currency is all the trust that’s required to make it work. The central bank must be trusted not to debase the currency, but the history of fiat currencies is full of breaches of that trust. Banks must be trusted to hold our money and transfer it electronically, but they lend it out in waves of credit bubbles with barely a fraction in reserve.

Debates about the role that the US Federal Reserve and monetary policy plays in inflation are well beyond the scope of my expertise on education technology, I’ll go ahead and admit that right now. But some of these ideological underpinnings in Bitcoin – whether or not one agrees with Golumbia’s provocative labeling of these as “right-wing extremism” – are of crucial importance for those in ed-tech to grapple with, particularly if education is to explore and adopt blockchain technology. To suggest that the blockchain is ideology-free is folly.

And again, despite the insistence that Bitcoin and blockchain are distinct, I would contend there’s still plenty of overlap, not just in the software but in the discourse about what purposes the technology will serve.

There are (at least) three elements of this discourse that are relevant to discussions about “the future of education” – that is, these elements are particularly instructive about the ideological shape of an imagined future. These are the anti-institutional bent of the blockchain; its reliance on decentralization (as a technology and as a metaphor); and its invocation of trust (and mistrust) as the key social behavior mediated by the technology.

In an article and video explanation of Bitcoin and blockchain posted on the Institute of Electrical and Electronics Engineers’ news site Spectrum – “The Future of the Web Looks a Lot Like Bitcoin” – this issue of trust is posited as one of the cryptocurrency’s major innovations. Thanks, principally, to the blockchain, the video contends, “for the first time, you don’t need to trust to share or update your digital records.” Instead of trusting strangers – which, according to the article is how current legal and financial systems operate – this new technology enables us to trust the “code.” Bitcoin “assumes everybody’s a crook,” the IEEE article argues; it “uses self-interest and greed to secure your Bitcoin,” adds the accompanying video.

What does it look like to port these ideas to education – recognizing of course that some of them conflict and some of them coincide quite nicely with pre-existing beliefs? What does it mean, for example, to “assume everybody’s a crook”?

Many practices and policies in education already presuppose that the student is a crook, or at least a “cheat.” New digital technologies are presented as both the cause (or accelerant) of cheating and as the solution. “How the sharing economy is creating a marketplace for cheating,” reads one recent headline in the online publication Bright. “Cheating in exams mitigated with use of tablet cameras,” one proctoring company’s blog contends.

No surprise then, many of the arguments made for incorporating something like the blockchain into both education and employment practices and policies rest on similar assumptions about the student as well as the former student (namely, the job applicant). “A surprisingly large percentage of people lie on their resumes to get an edge in a competitive job market,” insists one story on the Holberton School’s use of the blockchain for their certificates. A move to place certification – degrees, badges, and the like – on the blockchain implies that students’ own claims about their education cannot be trusted and must be authenticated and secured – and authenticated and secured specifically via technology.

It’s worth asking here, of course, which students’ claims are likely to be viewed as suspect? And a related question: which certificates, “verified” via the blockchain, might find a new legitimacy?

The latter cannot really be answered without thinking more broadly about the challenges and criticisms that the current accreditation system is facing. (This is something I’ve highlighted in previous years’ “Top Ed-Tech Trends” – in 2013, 2014, and 2015.) Nor can it be answered without consideration of, as I have noted above, the strong anti-institutional bent built into the software and into the ideology of the blockchain (and apparent in the politics espoused by many of the investors in the blockchain and Bitcoin, as I detail in my previous article). As the accreditation system in the US comes under scrutiny – late last week, for example, 13 state attorneys general called for the Department of Education to revoke the accrediting power of the ACICS, the agency that oversees the accreditation of many for-profit universities including the now defunct Corinthian Colleges – we must scrutinize what shape any “reforms” take. There are competing ideologies at play here, and those connected with the “Silicon Valley narrative” – namely, libertarianism, neoliberalism, and global capitalism – have much more affinity with the dismantling of regulatory agencies than they do the expansion of public or democratic oversight.

But here, perhaps, is why that word “decentralization” is so frustrating – so ideologically fraught. It is invoked, with some frequency, as both a technological feature and as a political one – as though the former insures the latter, as though the latter is necessarily more liberatory or democratic than previous non-technological arrangements. Decentralization is touted across a variety of digital technologies – indeed, the Internet itself – and is connected to social practices that it purportedly enables – “professional learning networks” or “connected learning” are two education-related examples. Often these networks are lauded as though they flatten or erase power or, at the least, as thought they de-institutionalize the communications that might occur across them. And yet the history of transportation networks and radio networks and television networks would suggest something else – a consolidation of corporate power. Decentralization in digital technologies is frequently discussed as though there are not similarly powerful corporate interests involved (indeed, they are many of the same corporate interests that dominate radio, television, and telephony), working to centralize their control of new technologies of communication.

This conflation of technological and political decentralization is apparent in blockchain rhetoric. “Blockchain is a distributed database.” Okay. Therefore “the blockchain is decentralized.” Perhaps. But it would be a mistake to confuse a technological protocol with a democratic politics or an equitable redistribution of money or power. (1% of the Bitcoin community owns 99% of Bitcoin wealth, for starters.) The blockchain does not “disrupt” or unsettle the current financial system – it’s being bankrolled by it – something that conforms to the ideological underpinnings of “the Silicon Valley narrative.” If there is any redistribution of power via blockchain technologies, it is already being centralized in and by the technology industry, in and by its technocratic elite.

The word “decentralization” is often used interchangeably by those in technology as “democratization,” but that strikes me as a rhetorical sleight of hand used to wave away the accumulation of private wealth and power and the dismantling of the public sector, cheered by those espousing the neoliberal and libertarian politics of Silicon Valley.

And there’s too much hand-waving about the blockchain in education – waving away concerns, for starters, about how simple its implementation would be technically. To be honest, however, what the blockchain can and cannot do technically is probably the least important thing you can say about it. (And I say that having written some 4500 words about just that.)

#### 4. Blockchain projects advance a project of crypto-colonialism – litany of abuses that maintains neoliberal structural adjustment programs and kills any chance of ethical green transition within capitalism

Peter Howson, 05-13-2020, Senior Lecturer at Nottingham Trent University, “Climate Crises and Crypto-Colonialism: Conjuring Value on the Blockchain Frontiers of the Global South” https://www.frontiersin.org/articles/10.3389/fbloc.2020.00022/full

Introduction

Anthropogenic greenhouse gas emissions present unprecedented, and not evenly distributed, challenges for human development globally. Each year, an average of 24 million people are displaced because of increasingly frequent extreme climatic events. By 2050, 143 million people across the Global South will become climate refugees (Kinstler, 2019). There is also broad consensus that climate change is exacerbating a mass-extinction of biodiversity with no historical equivalence (Bálint et al., 2011). Addressing such crises is becoming a boom industry; a source of substantial economic growth in a variety of sectors (Büscher and Fletcher, 2020). It is also inspiring new technical fixes using blockchain technology. Despite promises of transforming the opaque world of climate finance (Marke, 2018), providing disaster preparedness solutions for local communities in the Global South (Thomason et al., 2018), and improving natural resource governance (Kshetri, 2017), like any powerful technology, the social and political costs and benefits of nascent blockchain applications remain ambiguous.

This commentary explores how international development and climate change adaptation and mitigation credentials are being called upon to justify “crypto-colonialism” – neo-colonial processes (Stoneman and Suckling, 1987) whereby blockchain technology is enabling new forms of resource appropriation from the Global South. These appropriations include land, labor, data and other resources needed to facilitate economic growth elsewhere. The term Global South is used here to distinguish between spaces still suffering the scars of colonial expansionism, from those that have historically benefited from these processes (Kapoor, 2004). As with many past development agendas imposing structural economic reform, the contemporary crypto-colonial exercises discussed here are often framed as part of a “will to improve” (Li, 2007) – a quest for betterment enabling the powerful to use development and conservation discourses to legitimize particular claims at the expense of others (van Teijlingen and Hogenboom, 2016). Tsing(2005, p. 57) suggests that through such speculative enterprises, “profit must be imagined before it can be extracted; the possibility of economic performance must be conjured like a spirit to draw an audience of potential investors.” The following section explores how investors are drawn to the sustainable development frontiers – the code/spaces where crypto-colonial conjuring manifests. The paper then discusses three ways blockchain is implicated in colonial processes, exploring: (1) how the technology plays into ongoing narratives of “green grabbing,” enabling the liquidation of resources for green investment, (2) how blockchain impacts persistent North-South trade and investment inequalities, and (3) how a new power asymmetry is enabled by the technology through data colonialism and surveillance capitalism. The paper concludes by discussing how more equitable outcomes might be realized.

Climate Crises, Crypto-Colonialism and the Global South

Despite being distributed, blockchain applications do not occupy an algorithmic place apart. They are always messily embedded in places (Zook and Blankenship, 2018; Lally et al., 2019). Governance frameworks of blockchain applications are heavily entangled with social-spatial relations in multiple ways (Dodd, 2018). The intertwining of code and materiality creates complex manifestations of “code/space” (Kitchin and Dodge, 2011). Within each code/space a unique assemblage of interests gain access to (or are excluded from) sites of crypto-economic production. The geographical character of the blockchain should be understood both in terms of the identification and spatial location of the infrastructure of, for example, private servers and data centers, where the distributed network is thought to materialize, as well as the “bundle of experimental algorithmic techniques acting upon the threshold of perceptibility itself” (Amoore, 2018, p. 12).

The costs and benefits of blockchain-based conservation, community development, and disaster relief, are rarely evenly distributed (Howson, 2020). Blockchain-based interventions in the Global South, though rooted in an obvious will to improve (Li, 2007) still call upon traditions of frontier investment – the belief that being bold and early in underexplored spaces enables the highest rewards (Li, 2014). As Bridge (2001) argues, frontiers are imagined (and constructed) as sites of bountiful emptiness. They are fecund spaces, empty but full. For their proponents, these sites are empty of other entrepreneurial ideas, histories and claims, but full of potential for new and improved use. As Tsing (2005, p. 28) explains, a frontier is “an edge of space and time: a zone of not yet – not yet mapped, not yet regulated. […] The landscape itself appears inert: ready to be dismembered and packaged for export.” Conjuring the plausibility of frontier resources for global crypto-economic exchange requires promoters to overlook the presence of people who remember long histories of recurrent dispossession and neo-colonial imposition.

Transnational market-based approaches to sustainable development, such as appropriations of land for community development, biodiversity conservation, and climate change adaptation and mitigation, are playing an increasingly central role in the global capitalist economy (Büscher and Fletcher, 2018). It should not be surprising when such market logic influences the development of “blockchain-for-good” initiatives. In doing so, blockchain projects enable new manifestations of the now well-established narrative of “disaster capitalism” (Klein, 2007). This thesis contends that neoliberal capitalism both precipitates disasters associated with climate change, while employing these same crises as an opportunity to facilitate the expansion of a neoliberal “green economy”1. Klein (2019) suggests that through the use of Blockchain technology the climate crises is enabling new forms of “crypto-colonialism.” The term crypto-colonialism2 was coined before the invention of blockchain to refer to neo-colonial expansions toward host countries seeking to acquire greater political independence. This was at the expense of greater economic dependence upon the neo-colonial power. The term is used here in a slightly different way, to make sense of how blockchain technology enables new forms of “green grabbing” for global carbon markets, maintains North-South disparities using climate finance instruments, and enables data colonialism through the provision of humanitarian assistance for climate refugees. These projects are all legitimized under a banner of sustainable development in response to calls for urgent action on climate crises.

Green Grabs for Cryptocarbon

Blockchain technology is being leveraged to address the multiple technical faults of global carbon-offsetting mechanisms like Reducing Emissions from Deforestation and Forest Degradation (REDD +). The REDD + mechanism was established by the UN in 2007 to incentivize conservation and make tropical forests more valuable standing than cut down. However, since its inception many REDD + initiatives have become implicated in “green grabbing” (Howson, 2018). Green grabbing can be understood as part of an on-going debate on neo-colonial “land grabbing” more generally (Pearce, 2013), involving the appropriation of land and resources with pro-environmental motives. This form of appropriation includes the transfer of land as property, use rights and control over natural resources that were once publicly or communally owned – or not the subject of ownership – from marginalized groups into the hands of the powerful (Fairhead et al., 2012). Green grabbing is not the same as a simple, agreed transfer of ownership or sale. It is a central characteristic to processes of accumulation and dispossession (Harvey, 2005). It is an emotive term because it is unjust. This form of grabbing often entails the expulsion of existing land claimants in order to release resources for private capital (Fairhead et al., 2012).

Blockchain projects, including Infinite Earth’s Veridium Labs, a Hong Kong-based private company working in partnership with IBM and Stellar, are developing a platform to sell REDD + carbon off-sets as crypto-tokens. The value of Veridium’s token, Verde, will be derived from the platform’s ability to facilitate micro-payments of carbon credits produced mainly from Infinte Earth’s Rimba Raya forest in Central Kalimantan (Howson, 2019). Despite the coordinated appearance of this vertically integrated consortium, the Rimba Raya project office in Indonesia remains uninformed of this approach to trading local people’s forest resources. It is not clear how many options for future off-sets have been sold. There also remains no plan to offer financial compensation to local people. According to Enrici and Hubacek (2018), the Rimba Raya reserve is the only project of its kind in Indonesia to secure funding from global carbon markets. None of this income is shared with those paying the highest costs, such as those displaced by conservation efforts. Another cryptocarbon initiative, Impact Earth, have stated their intent toward incentivizing forest communities living in and around Zimbabwe’s Kariba conservation area, via payments of their Ethereum-based Earth Token. Impact Earth state that, “People just like you can invest in a sustainable future and share in the success of this enormous opportunity” (in Howson et al., 2019, p. 6). However, no transfer of tokens could ever be made within the current global governance regime of crypto-commodity markets. Impact Earth specifically excludes investors from “high-risk” jurisdictions, as defined by the US Department of the Treasury’s Financial Action Task Force and Office of Foreign Assets Control, which includes Zimbabwe (Lang, 2018b; Sullivan, 2018).

Athelia3, a private fund based in the tax haven of Luxembourg, is providing carbon credits associated with the Cordillera Azul National Park to its strategic Maltese partner, Poseidon, for use on their Ocean platform. Poseidon’s platform allows consumers and retailers to track and offset their carbon footprints. Poseidon has also partnered with Liverpool City Council and the London store of Ben & Jerry’s ice cream. The Rimba Raya reserve, as well as the Cordillera Azul National Park were established in 2007 and 2014 respectively. Off-setting one’s emissions via the protected areas’ blockchain platform enables the sale of carbon credits which have therefore already been produced. The profits from these sales repay the projects’ private investors based overseas, rather than their local host communities. They do not directly incentivize any additional tree planting activities, or carbon “additionality.” As Lang (2018a) suggests, with many market-based conservation projects, there is an unnecessary level of complexity in the funding arrangement, along with opportunities for only a small group of financiers, auditors, and consultants in the Global North to cash in along the way.

Blockchain for Clean Development

Environmental assets (or natural capital), are a monetized representation of the services natural systems provide for free. Off-sets and any crypto-tokens associated with them, derive their value from the health of conserved biophysical systems. Due to the dynamic nature of atmospheric CO2, in the context of the global climate system, it does not matter where in the world emissions are avoided. Global markets for saved carbon can be used to ensure net emissions are reduced at the cheapest price. For this reason, most of the world’s carbon-offset initiatives are located in the Global South, where land, labor and other necessary inputs can be sourced cost-effectively for maximum potential profit (Howson, 2018). The problem with producing environmental derivatives in this way is that an abstract “nature,” people and their livelihoods are arranged as underlying assets for the “real” source of value in the neoliberal green economy (Büscher, 2010). For-profit companies such as Adaptation Ledger, Climate Trade and Climate Futures have launched blockchain platforms for carbon off-setting, green financing and sustainable investments. The 1Planet blockchain platform developed by Climate Futures enables purchases of environmental assets from energy efficiency initiatives in Africa, Latin America and India. Individuals and companies can purchase carbon credits as blockchain tokens to reduce their net emissions by supporting, for example, the installation and distribution of fuel-efficient cooking stoves in Zambia. The value of these credits are derived from the assumption that concrete stoves reduce wood-use for cooking compared to traditional open fires. The projects’ carbon offsets are certified through the UN Clean Development Mechanism and are marketed toward international airlines specifically, to help them meet climate change obligations under the UN Carbon Offsetting and Reduction Scheme for International Aviation (CORSIA). The implication here is that forest communities in the Global South, collecting dry wood for cooking and often living with a near neutral carbon footprint (Gazull and Gautier, 2014), are framed as more responsible for climate change, compared to frequent flyers and large multi-national corporations in the Global North.

The Green Assets Wallet has been developed to help scale the green debt market, primarily in Africa. The blockchain platform functions as a tool for green bond validation and impact reporting and has been developed by a consortium including the German International Development Agency (GIZ) and the German Federal Ministry for Economic Cooperation and Development (BMZ) (Green Assets Wallet, 2019). Green bonds operate just like conventional debt instruments, with similar calculations of risk and credit rating. However, dividends are actioned against contracted sustainability outcomes, usually including a calculation of achieved emissions reductions from the associated investment. As a debt instrument, Green bonds in Africa are generally high-risk due to the poor credit ratings of recipient countries. Using blockchain to bring trust to these transactions risks maintaining pre-existing North-South trade and investment flows and neo-colonial geographies of inequality that render much of the global south increasingly marginalized. Scaling up green debt markets in Africa restricts the organic growth of green enterprises as they risk their returns disappearing to international investors, whose income may be guaranteed by public sector entities (Bracking, 2019). The most environmentally-effective solution for companies and individuals with high carbon footprints, whose sites of production are located in the Global North, is obvious – prevent excessive pollution at source. The most cost-effective solution is usually more creative, requiring innovative financial instruments and accounting methodologies, and the ongoing externalization of environmental costs toward the Global South.

In opposition to traditional North-South investment flows, rather than monetizing removals only from the Global South, the Nori Marketplace uses blockchain technology to incentivize land-owners in the Global North. Farmers in the US can receive rewards for adopting regenerative practices that mitigate climate change and improve the carbon content of soils. Individuals and businesses can purchase NORI tokens that are tradable via cryptocurrency exchanges (Siegel, 2019). Tokens represent verified Nori Removal Tonnes (NRTs), which each represent one tonne of CO2 removed from the atmosphere for a minimum of 10 years. Retirement of the NRTs is immediate and generates a certificate that is permanently recorded on the Ethereum blockchain. The platform’s developers suggest that Nori enables a win-win outcome for consumers and the climate (Gambill, 2019). However, as with any carbon off-set, these assets are a fetishized abstraction of an unfathomably complex biophysical system (Howson et al., 2019). Blockchain tokens are not capable of representing much more than a rough estimate concerning temporarily removed carbon over time. Knowing what will happen from one year to the next, or what might have happened in the absence of a farmer’s intervention is impossible. To add to the uncertainty, Nori’s verification methodology also requires the input of trusted third party intermediaries. Which begs the question, why use a blockchain at all?

Data Colonialism and Climate Refugees

Appropriations of things, including data, are legitimized by a necessity for urgent climate action. Data colonialism for environmental ends combine the extractive practices of historical colonialism with the abstract quantification methods of computing that works at every point in space where people and/or things are attached to everyday communication infrastructures (Couldry and Mejias, 2018). This mode of colonialism could also be thought of as surveillance capitalism, whereby the territory claimed by climate-minded blockchain projects includes land, labor and other resources, but also private human experience to be used as “behavioral data” for “prediction products” (Zuboff, 2019). Unlike traditional forms of colonialism, data colonialism involves not one center of colonial power (the West), but multiple. These centers include, for example, Facebook, Palantir, Accenture and Microsoft, and according to Kinstler (2019) these players are seeing extractive opportunities from human migration caused by climate change. In 2017, ~24 million people were displaced because of extreme climatic events (Podesta, 2018) and by 2050, over 143 million people across the Global South are predicted to become climate refugees (Rigaud et al., 2018). The acceleration of people on-the-move provides challenges for development agencies committed to achieving various Sustainable Development Goals (SDGs) efficiently. These include SDG 16.9 (provide legal identity for all, including birth registration, by 2030), and SDG 17.19 (provide statistical capacity-building to increase the proportion of countries that have achieved 100 per cent birth registration and 80 per cent death registration. Every major aid-granting agency is either incubating, researching, or piloting a digital identity program for those displaced (Kinstler, 2019).

To enable the distribution of cash-for-food aid, the World Food Programme’s (WFP) Building Blocks initiative is collecting personal data, including biometrics, from over 500,000 Syrian refugees in Jordan (Rugeviciute and Mehrpouya, 2019). Personal data, entitlements and transaction logs are stored on the Ethereum blockchain providing a virtual bank account and ID for each refugee. While the Building Blocks platform is a demonstrable success, the agency should be concerned that conducting iris scans on refugees in shops robs them of dignity. Sensitive, personally identifiable information for some of the most vulnerable people in the world is also being generated and made accessible across agencies, inevitably introducing greater risk of data breaches. Some for-profit start-ups have also developed blockchain tools to manage sensitive information. PassBase is a self-sovereign ID platform that uses government-issued documents, linked social media accounts, and biometric signatures. Where these blockchain platforms are deployed, refugees and other vulnerable people, might find themselves forced to give up personal (including biometric) information about themselves, stored for as long as there is a functioning internet on an immutable archive, in return for temporary support with basic necessities. This data could also be used in the future to make decisions about individuals with far-reaching consequences. Some may suffer punitive restrictions based on decisions made using biased algorithms calculating, for example, risk of absconding or working without a permit. Some may struggle to access credit or insurance on the basis of patterns in historical datasets. Wrongful convictions, incomplete medical histories, or errors concerning ones affiliations are immutable on a blockchain.

Owning ones ID as a citizen of a specific state might prove unproblematic in many instances. However, groups such as the Rohingya are continually displaced by climatic events and their citizenship is often contested between the state and the individual. Bank accounts, passports, access to credit or insurance are restricted even where clear jus soli (citizenship rights by birth) exist. Rohingya refugees are often considered legally “stateless” and denied the necessary proofs to enable a digital ID granting them legal attachment to their birthplace (Bremner, 2020). The blockchain development start-up, Rohingya Project, understand that the central problem is not identity per se, as being officially recognized as Rohingya is rarely useful. The Rohingya Project aims to create a self-sovereign ID platform that does not rely on any state entity or other third-party intermediary to issue supporting documents. Users of the platform in Malaysia will be able to access credit and other services via a crypto-wallet to encourage entrepreneurship and financial sustainability within the Rohingya community (Rohingya Project, 2020). Data shared by some of the most persecuted on a blockchain, highlights the obvious need for a more robust regulatory framework to effectively mitigate the risks associated with data protection, privacy and human rights.

Conclusion

Blockchain is enabling new opportunities for speculative investment through climate crises globally. This commentary has explored how international development, disaster relief, and climate change mitigation credentials are being called upon to legitimize crypto-colonialism – the extraction of economic benefits from those suffering the scars of empire in the Global South. Climate-smart blockchain platforms enable ongoing narratives of “green grabbing,” perpetuating North-South trade and investment inequalities, whilst allowing new power asymmetry through data colonialism and surveillance capitalism. Despite blockchain’s ongoing disruption of most economic, political and social institutions, the main challenge for the technology is to protect itself from the inherent tendencies of modern capitalist society and the associated concentrations of wealth and power in the Global North (De Filippi and Loveluck, 2016). There continues to be a lot of hype surrounding blockchain applications, fanciful use-cases and sinks for speculative investment. Despite there still being few successful examples, there is a clear need for more situated critical analysis of active case-studies. Only by doing case-study analysis can critical scholars reveal the inequitable terrain of project-benefit distributions to expose the likely winners and losers. The most effective means of engaging exploitative blockchain platforms is by supporting and enacting alternate techno-economic strategies, such as platform cooperatives, within and outside of blockchain. If any project, blockchain or otherwise, claims to be emancipatory, the foremost step is to abandon the claims of a technology as a starting point, and instead give autonomy and agency to local communities to design and manage their own future, rather than having outside interests, or technologies themselves, determine a future for them (Crandall, 2019). The crypto-colonial endeavors, explored throughout this commentary, remain ultimately about advancing capitalist forms of governance. Until the focus shifts toward achieving more equitable outcomes, not only will blockchain solutions lead to an oversimplification of socio-ecological complexity, but will further embed colonial responses to climate crises.

#### 5. Antitrust is used as a tool of the ruling class to distract from the inequality inherent in the system

Tell, 21

(Shawgi, Prof. Education, Nazareth College, PhD Education, UBuffalo, "Empty Rhetoric That Seeks to Misinform and Appease: On Biden's Farcical Anti-Monopoly Executive Order," Hampton Institute, 7-29-21, https://www.hamptonthink.org/read/on-bidens-farcical-anti-monopoly-executive-order?rq=antitrust)

Not a day goes by in which major owners of capital and their political representatives do not promote illusions and disinformation about the obsolete capitalist economic system. The ruling elite and their entourage rejected economic science and embraced irrationalism, incoherence, and dogmatism more than a century ago. They are unable and unwilling to offer any useful analysis of economic realities. Nothing they put forward helps advance public understanding of the economy. The mainstream news, for example, is saturated with endless mind-numbing nonsensical economic headlines. It is no accident that mainstream economics has long been called the dismal science. The internal core logic and intrinsic operation of capital ensures greater poverty, inequality, and monopoly over time. This is the inherent nature of capital. It is how capital moves and develops. These catastrophes are not the result of external forces, extenuating circumstances, or “bad people” making “bad decisions.” They are not the outcome of ill-conceived policies made by self-serving, immoral, or uninformed people. These worsening problems did not arise because something is wrong with the intentions of some individuals who make antisocial decisions. Such notions are facile. While individuals have consciousness, autonomy, self-determination, and agency, many phenomena (e.g., laws of economic development) operate objectively outside the will of individuals; they do not depend on the will of individuals. The laws of motion governing economic phenomena can be known, controlled, and directed, but not extinguished; they have to be consciously mastered, harnessed, and directed in a way that meets the needs of all. Capital is first and foremost an unequal social relationship, not a person or a thing. This unequal social relationship is relentlessly reproduced in today’s society, preventing the healthy balanced extended reproduction of society. On the one side of this unequal social relationship are the majority who own nothing but their labor power and on the other side are a tiny handful who own the means of production and live off the labor of others. Major owners of capital are the personification of capital, the embodiment of capital. This critical theoretical insight helps us avoid the rabbit hole of personal intentions and personal will, and allows us instead to objectively locate greed, insecurity, inequality, poverty, unemployment, endless debt, and other tragedies in the intrinsic built-in nature, logic, and movement of capital itself. One of these is the inexorable tendency of competition to lead to monopoly under capitalism. Competition means winners and losers. By definition, not everyone can win when competing. Competition means rivalry for supremacy. Thousands compete in the Olympics, for example, but only a select few (“winners”) go home with a gold medal.[1] It is no accident that the economy, media, and politics are heavily monopolized by a handful of billionaires while billions of people who actually produce the wealth in society and run society remain marginalized and disempowered. This brutal reality cannot be reversed or overcome with the utterance of a few platitudes, the passage of some policies, or the creation of some agencies that claim to be able to fix the outdated economic system, especially when all of the above come from billionaires themselves. On July 9, 2021, President Joe Biden issued an Executive Order on Promoting Competition in the American Economy (https://www.whitehouse.gov/briefing-room/presidential-actions/2021/07/09/executive-order-on-promoting-competition-in-the-american-economy/). The order is about 7,000 words long and full of anticonscious statements. Disinformation pervades the entire order. The opening paragraph begins with the following disinformation: By the authority vested in me as President by the Constitution and the laws of the United States of America, and in order to promote the interests of American workers, businesses, and consumers, it is hereby ordered…. Here, “American workers, businesses, and consumers” are casually misequated and no mention is made of citizens or humans. The implication is that consumerism is normal, healthy, and desirable, and that workers and big business somehow have the same aims, world outlook, and interests. This conceals the fact that owners of capital and workers have antagonistic irreconcilable interests and that people exist as humans and citizens, not just utilitarian consumers and shoppers in a taken-for-granted system based on chaos, anarchy, and violence. Disinformation is further escalated in the next paragraph: A fair, open, and competitive marketplace has long been a cornerstone of the American economy, while excessive market concentration threatens basic economic liberties, democratic accountability, and the welfare of workers, farmers, small businesses, startups, and consumers. “Market concentration” has been the norm for generations. Monopolies, cartels, and oligopolies have been around since the late 1800s. Mergers and acquisitions have been taking place non-stop for decades. The so-called “free market” largely disappeared long ago. Objectively, there can be no fairness in a system rooted in wage-slavery and empire-building. Wage-slavery is the precondition for the tendency of the rich to get richer and the poor poorer. It is not a recipe for prosperity and security for all. This is also why inequality, tyranny, violence, and surveillance have been growing over the years. Moreover, what “threatens basic economic liberties, democratic accountability, and the welfare of workers, farmers, small businesses, startups, and consumers” is the ongoing political and economic exclusion of people from control over the economy and their lives by the financial oligarchy. There can be no liberty, accountability, and welfare when most people are deprived of real decision-making power and major owners of capital make all the decisions. Problems would not constantly worsen if people had control over their lives. The “best allocation of resources” cannot be made when the economy is carved up, fractured, and controlled by competing owners of capital. Although recurring economic crises for well over a century have repeatedly discredited “free market” ideology, the 7,000-word executive order is saturated with the language of “choice,” “competition,” and “consumers.” This is the same worn-out language used by privatizers of all hues at home and abroad. Further, while the executive order gives many examples of “economic consolidation” in numerous sectors, the government is not interested in creating a self-reliant vibrant diverse economy that meets the needs of all. It is not committed to reversing “the harmful effects of monopoly and monopsony.” Numerous antitrust laws have not stopped either. Big mergers and acquisitions have been going on for years. Rather, the executive order is an attempt to restructure economic and political arrangements among different factions of the wealthy elite; it reflects a new stage or form of inter-capitalist rivalry for even greater domination of the economy by fewer owners of capital. In other words, moving forward, the economy will remain monopolized by a few monopolies. Wealth is only going to become more concentrated in fewer hands in the years ahead. Mountains of data from hundreds of sources document growing wealth and income inequality every year. The bulk of the executive order is filled with endless directives, strategies, rules, and suggestions for how to curb “unfair practices” and promote “fairness” and “competition.” But these all ring hollow given concrete realities and past experience. Today, governments at all levels have been taken over by global private monopoly interests and have become instruments of decisions made on a supranational basis. There is a fine-tuned revolving door between officials from government and the private sector; they have become synonymous for all essential purposes. The same people who run major corporations also serve in high-level government positions where they advance the narrow interests of the private sector and then they leave government and return to their high-level corporate positions. There is a reason why the majority of members of Congress are millionaires. The Executive Branch in the United States, especially the President’s Office, is a major tool for the expression of the will of the most powerful monopolies. This is why billions of dollars are spent every few years to select the President of the country. A modern economy must be controlled and directed by workers themselves. Only such an economy can provide for the needs of all and avoid endless economic distortions. Uneven economic development, “unfair” arrangements, “market concentration,” monopolies, oligopolies, and recurring crises cannot be avoided so long as those who actually produce the social product have no control over the social product. Workers have first claim to the wealth they produce and have the right to decide how, where, and when that wealth is used. Major owners of capital are historically superfluous and a big block to progress. They are not needed for a healthy vibrant self-reliant economy that meets the needs of all.

#### Berk ev also proves – perm reduces oppression to a question of monopoly which distracts movements from the core of the issues and makes capitalism seem reformable – reinserting here

Socialists show us how monopoly power oppresses labor, liberals how it impedes innovation and public problem solving, and antimonopolists how we can use existing legal and cultural resources to counter concentrated power and build a more democratic economy.

#### Blockchain isn’t the perm, it’s the link

Varoufakis 20 [Yanis Varoufakis. Ioannis "Yanis" Varoufakis is a Greek economist and politician. A former academic, he served as the Greek Minister of Finance from January to July 2015 under Prime Minister Alexis Tsipras. He has been Secretary-General of MeRA25, a left-wing political party, since he founded it in 2018. Why Bitcoin is not a socialist’s ally: Reply to Ben Arc. <https://diem25.org/why-bitcoin-not-socialists-ally-reply-ben-arc/> ]

Two propositions support this view. In the hypothetical case where Bitcoin were, under presently-existing capitalism, to replace fiat money: (1) It would lack the mechanism necessary to stop capitalist crises from yielding depressions that benefit only the ultra-right; and, (2) Its community-based, democratic protocols would do little to democratise economic life.

I shall explain my two propositions briefly below. But, before you despair (at my continued negative take on Bitcoin), let me foreshadow the concluding sentence in the Epilogue below: Once (and, of course, if) socialism dawns, money will have to be founded on a distributed-ledger, monetary commons enabling technology.

In other words, I shall argue that Bitcoin is not fit for purpose under capitalism, or as a vehicle toward transcending capitalism, but something like Bitcoin will characterise monetary systems in a future world free of private banks and share markets.

OK, let me now support my two propositions:

Proposition 1: Bitcoin lacks the shock absorbers necessary to prevent capitalist crises from doing untold damage to the working class.

Consider the Crash of 2008 or the more recent 2020 Covid-19-induced crisis. Suppose that Central Banks did not have the capacity instantly to create trillions of dollars, euros, pounds and yen — and instead had to rely on a spontaneous majority of Bitcoin’s users to agree to a massive increase in the supply of money. The result would be a 1929-like collapse of banks and corporations.

While socialists would shed no tears for the tragedy of the oligarchy, socialists should beware that a 1929-like systemic collapse is bound to strengthen the forces of the ultra-right — not of the socialist left (that has been, since at least 1991, languishing in the doldrums of political paralysis).

Technically, there is of course nothing that would prevent the Bitcoin community from agreeing instantly to even a doubling of the money base. However, the Tragedy of the Commons guarantees that Bitcoin owners will be subject to the usual prisoner’s dilemma dynamic that prevents the boost in the money supply necessary to avert the liquidation of potentially viable businesses and jobs. Moreover, this free-rider problem is made far, far worse by the fact that Bitcoin ownership is very unequally distributed, thus giving the Bitcoin-rich powerful incentives to restrain the growth of the money supply (since such restrictions would boost their private rents at the expense of the public interest).

In short, the free-rider problem that guarantees the maximal reinforcement of any capitalist crisis (in any economy relying on Bitcoin as its main currency) will be turbocharged by the unequal ownership of Bitcoin – which is unavoidable in any monetary system overlaid upon contemporary capitalism.

Proposition 2: Under capitalism, Bitcoin’s dominance will not democratise economic life — or give socialism a chance.

Suppose, again, that some magic wand is waved and Bitcoin replaces fiat money under contemporary capitalist conditions. In other words, as Bitcoin replaced dollars, pounds, euros and yen, property rights over land, resources and machines remain as they are while private equity firms and pension funds continue to own the bulk of shares trading in Wall Street, the City etc. All that will have changed is that Central Banks will vanish and the community of Bitcoin users will determine the global money supply (subject to the free-rider problems mentioned above).

At the firm level, nothing will have changed. Jeff Bezos will still control a massive monopsony-cum-monopoly, Facebook will still own the whole marketplace within its platform, Exxon-Mobil will continue to lean on weaker developing country governments to drill for oil and gas that should be left in the Earth’s guts etc.

And what of private banks? They would, make no mistake here, find ways of creating complex derivatives based on Bitcoin – derivatives that will soon (just like Lehman Brothers’ CDOs prior to 2008) function as stores of value and means of exchange; i.e. as private money. Massive bubbles denominated in Bitcoin will build up and they will burst just as they did in the 19th century under the Gold Standard. And then?

In the absence of Central Banks and with the Bitcoin community in the clasps of the aforementioned free-rider problem, depression will follow – as it did before the Fed was instituted in the US. Thus, the tragedy mentioned in Proposition 1 above kicks in.

In short, not only will the democratisation of money via Bitcoin fail to democratise capitalism but it will also give an almighty boost to the forces of regression.

Epilogue.

Bitcoin’s great appeal is that it breaks the cronyist chain linking central banks and private bankers. However, it does not undermine the cronyism of the network of bosses, politicians and private bankers.

Lest we forget, 19th Century bimetallic America also lacked a central bank. Under the gold and silver standards, the public money supply was fixed — and could not be easily manipulated by the state (either the government or the, then non-existent, Fed). But that did not stop private bankers from leveraging public money out of thin air to create huge quantities of private money with which to fund the Robber Barons, i.e. the Jeff Bezoses, of the era.

In this sense, replacing fiat money with Bitcoin would take us back to a postmodern version of 19th Century America — not exactly a prospect socialists should go to the barricades for.

### Sustainability

#### Mineral scarcity also causes collapse. Tipping points happen before we know them AND goods are not substitutable.

Ahmed 20 [Nafeez. M.A. in contemporary war & peace studies and a DPhil (April 2009) in international relations from the School of Global Studies at Sussex University. Capitalism Will Ruin the Earth By 2050, Scientists Say. Vice. 10-21-2020. <https://www.vice.com/en/article/v7m48d/capitalism-will-ruin-the-earth-by-2050-scientists-say>]

Endless growth will generate minerals scarcity within decades

The EV transition is, in short, a massive industrial project. Electrification of roads and rail will require upgraded smart grids, complex routes connected to high power lines, and regular battery-swap stations. The paper explores several scenarios to explore how such a transition would take place.

In a continuing GDP growth scenario, the authors note that the economy begins to stagnate “due to peak oil limits at around 2025-2040,” but GDP is able to continue growing thanks to the EV transition. This shows that the reduction in liquid fuels in transportation can play a powerful role in avoiding “energy shortages in the economy as a whole.”

But then the economy hits the limits of mineral and material production to sustain this electric transition—in just three decades. And this is even with high levels of minerals recycling.

By 2050, in this scenario, the EV transition will “require higher amounts of copper, lithium and manganese than current reserves. For the cases of copper and manganese the depletion is mainly due to the demand from the rest of the economy,” but most lithium demand “is for EV batteries,” and this alone “depletes its estimated global reserves.”

Mineral depletion takes place even with “a very high increase in recycling rates” in a continuing GDP growth scenario.

In one such scenario, the authors apply what they consider to be realistic upper level recycling rates of 57 percent, 30 percent and 74 percent to copper, lithium and manganese respectively. These are based on extremely optimistic projections of recycling capabilities relative to their costs.

But still they find that even these high recycling rates wouldn’t prevent depletion of all current estimated reserves by 2050. The conclusion corroborates findings of other studies, estimating an expected bottleneck for lithium by 2042-2045 and for manganese by 2038-2050.

Actual bottlenecks could come even earlier because existing studies—including the MEDEAS model—don’t account for material requirements needed for internal wiring, the EV motor, EV chargers, building and maintaining the grid to connect and charge EV batteries, the catenaries to electrify the railways, as well as inherent difficulties in recycling metals.

#### Their ev says tech is possible *not* that it will be adopted—financial incentives ensure it won’t and we’re past the point of tech success—offshoring also means it doesn’t solve—try or die for transition.

**Foramitti, 20** (Joël Foramitti, Joël Foramitti is an environmental activist and a PhD candidate at ICTA-UAB in Barcelona., Marula Tsagkari, a PhD candidate in Energy Policy & Economics at the University of Barcelona, and Christos Zografos, Ramón y Cajal Senior Research Fellow with the Johns Hopkins University – Pompeu Fabra University (JHU-UPF) Public Policy Centre in Barcelona, Spain,” “Why Degrowth Is the Only Responsible Way Forward,” Naked Capitalism, https://www.nakedcapitalism.com/2019/09/why-degrowth-is-the-only-responsible-way-forward.html, 8-18-2020)

Phillips acknowledges that we need to stay within planetary boundaries. But as an ecomodernist, he believes that all environmental problems can be solved by a shift in technology. All we need to do is become more efficient. This version of post-environmentalism has received a lot of support, as it aligns well with existing powerful interests in the economy. But it is problematic for many reasons. First, **there is** no ev**idence** for this claim. The potential of our current technology is limited. And the potential of future innovation is uncertain. As Phillips acknowledges himself, it will take considerable time until new technology arrives. We should not gamble **away** our future on **ideas with** such a low (if even known at all) probability of success. Let us illustrate this in relation to climate change. The latest IPCC report to limit global warming to 1.5° presents four scenarios. Three of them strongly depend on neg**ative** emission **tech**nologies, which are highly controversial as they **have** not **been proven to** work at **the** requiredscale and represent an “unjust and high-stakes gamble”. The IPCC also provides a fourth scenario that does not rely on negative emissions, but which notably requires that “global material production and consumption declines significantly”. Some demand reduction could be achieved through efficiency improvements. But these might be less effective than they appear. As long as we keep pursuing growth, such **improvements will be used for further expansion**. This can counteract possible environmental gains. Simply put, efficiency improvements make things cheaper and therefore push up consumption. Such a rebound effect has been found both in different countries and industries. What is more, technological shifts always come at an environmental cost. Every sector of our economy is still based on some form of extraction, pollution, and waste. And all of them depend on carbon. Renewable energy, in particular, requires a great amount of **rare** minerals and land-use**.** The same goes for nuclear energy, which demands considerable resources in order to mine uranium, construct power plants, and deal with its waste.Even digital technology has environmental impacts. Phillips tries to argue against this by pointing at past solutions to environmental problems, like the ozone layer or deforestation. However, he does acknowledge that those **examples do not compare** well **to a bigger challenge like climate change**. Some of those challenges were solvable because they only affected a single sector and an easy technological replacement was available. Additionally, **many past environmental challenges** have not been overcome, but have **simply** been reshaped and displaced. Philips points towards the fact that net deforestation ceases in rich countries. But this is mainly because **agricultural** production is outsourced **to poorer ones.** The study he uses to show the increase in global tree-cover also shows an alarming reduction in tropical areas. The recent Amazon fires in Brazil, for example, are connected to increased deforestation efforts for agricultural expansion in the territory of the world’s 22nd largest export economy. The total amount of environmental degradation caused by our economy remains coupled to economic activity. Finally, it is important to understand that environmental issues are all interrelated. Even the successful ozone depletion is nowadays under threat as climate change could reverse the recovery of the ozone layer. The deforestation study mentioned above shows that climate change has contributed to both increases and decreases of vegetation in different parts of the world. Mass extinction is another serious threat that our planet is experiencing at the moment, which is also connected to deforestation. And we know that most mass extinctions of the past “had something to do with rapid climate changes”. All this means that it is hard to see a way around a reduction of economic activity. Of course it is theoretically possible that we could grow and produce more within our limits if technology improves. But so far this hasn’t happened, there is little to show that it will, and as long as it doesn’t, we need a practical plan. The logic of eco-modernism – to blindly bet on future innovation – has already caused us to delay action for more than thirty years, and there is simply no time left. We need to act now, and within our current technological means.

#### Offshoring masks globalization’s impacts – McAfee relies on faulty data, while raw material consumption metrics prove disprove dematerialization

Hickel, 20

(Jason, Barcelona Autonomous University Environmental Science and Technology Institute Professor, Royal Society of Arts Fellow, London School of Economics International Inequalities Institute Visiting Senior Fellow, World Development Journal Associate Editor, United Nations Human Development Report Statistical Advisory Panelist, “A Response to McAfee: No, the ‘Environmental Kuznets Curve’ won't save us”, 10/10/20, <https://www.jasonhickel.org/blog/2020/10/9/response-to-mcafee>)

A number of people have asked me to respond to a piece that Andrew McAfee wrote for Wired, promoting his book, which claims that rich countries - and specifically the United States - have accomplished the miracle of “green growth” and “dematerialization”, absolutely decoupling GDP from resource use. I had critiqued the book’s central claims here and here, pointing out that the data he relies on is not in fact suitable for the purposes to which he puts it.

In short, McAfee uses data on domestic material consumption (DMC), which tallies up the resources that a nation extracts and consumes each year. But this metric ignores a crucial piece of the puzzle. While it includes the imported goods an economy relies on, it does not include the resources involved in extracting, producing, and transporting those goods. Because the United States and other rich economies have come to rely so heavily on production that happens in other countries, that side of resource use has been conveniently shifted off their books.

In other words, what looks like “green growth” is really just an artifact of globalization. Given how much the U.S. economy relies on globalization, McAfee’s data cannot be legitimately compared to U.S. GDP, and cannot be used to make claims about dematerialization. If McAfee wants to compare GDP to domestic resource consumption, then he needs to first subtract the share of US GDP that is derived from production that happens elsewhere. He does not. Nor is this possible to do.

Ecological economists have been aware of this problem for a long time. To correct for it, they use a more holistic metric called “raw material consumption,” or Material Footprint, which fully accounts for materials embodied in trade. When we look at this data, the story changes. We see that resource use in the United States hasn’t been falling at all; in fact, it has been rising along with GDP. The same is true of all other major industrial economies. There has been zero dematerialization. No green growth. And indeed when it comes to excess resource use, rich countries are the biggest problem - not the saviours that McAfee suggests they are.

#### 3. Ag collapse – short term.

Allinson et al ‘21 [Jamie Allinson is Senior Lecturer in Politics and International Relations at Edinburgh University and author of The Age of Counter-revolution. China Miéville is the author of a number of highly acclaimed and prize-winning novels including October: The History of the Russian Revolution. Richard Seymour is the author of numerous works of non-fiction, His writing appears in the New York Times, London Review of Books, Guardian, Prospect, Jacobin. Rosie Warren is an Editor at Verso and the Editor-in-Chief of Salvage. All are writing for the Salvage Collective. “The Tragedy of the Worker: Toward the Proletarocene.” Chapter 1: M-C-M’ and the Death Cult. July 2021. Verso EBook. ISBN: 9781839762963 //shree]

The Triassic-Permian ‘great dying’ was a megaphase change taking place through pulses lasting for tens of thousands of years, separated by interludes of hundreds of thousands of years, if not millions. The current mass extinction event is a megaphase change taking place in microphase time.

Mass extinction is punctuated by the production of what the environmentalist Jonathan Lymbery calls ‘dead zones’: the conversion of wild ecosystems into dead monocultures. In Sumatra, these dead zones are made by burning rainforest and, amid the stench of death, planting palm crop. The palm oil is used in foods and household items, while the nut is used in animal feed. It is secured with barbed wire, and treated with poison, to prevent the crop from being eaten. Surviving animal life, and surrounding human communities, are pushed to the edges, to the brink of extinction. Agricultural workers are abused, underpaid, even enslaved. This is an example of what Moore would call ‘cheap food’, where the ‘value composition’ of the goods, the amount of waged labour necessary to produce each item is ‘below the systemwide average for all commodities’. In this case, a ‘cheap nature’ is produced by a distinctly capitalist form of territorialisation, wherein forestry is converted through deforestation into palm monoculture, while ‘cheap labour’ is secured partly through the dispossession of neighbouring human communities. More calories with less socially-necessary labour-time is cheap food.

Cheap is not, of course, the same thing as efficient. Food production is, alongside fuel, a fulcrum of the capitalist organisation of work-energetics. It is one that, as with fossil fuels, wastes an incredible amount of the energy it extracts. According to the FAO (Food and Agriculture Organization of the United Nations), 30 per cent of cereals grown for human and animal consumption are wasted, along with almost half of all root crops, fruits and vegetables. To conclude from this grotesque squander that a ‘more efficient’ capitalism would ‘solve the problem’ of ‘the environment’ would be to fail to understand waste, capitalism and ecology: that the first is intrinsic to the second; that the second, whatever the degree to which it is inflected by the first, is inimical to the third.

Capitalism also directly undermines its own productivity, precisely through its industrially-produced biospheric destruction. According to the UN, for example, there are at most sixty harvests remaining before the world’s soils are too exhausted to feed the planet. This edaphic impoverishment is a product, not a byproduct. It is the predictable, and long-predicted, consequence of intensive agriculture, over-grazing and the destruction of natural features (such as trees) that prevent erosion. Likewise, the death-drop of insect biomass, the decline of pollinating bees, are hastened by the extensive use of pesticides and fertilisers. Capitalist food production can only evade the problem – a problem, in its terms, of accumulation – either by establishing new ‘cheap natures’ through such means as deforestation, or by extracting rent from competitor producers through such means as intellectual property rights. For instance, since 1994’s notorious TRIPS agreement (Trade-Related Aspects of Intellectual Property Rights), through the rules of UPOV (Union for the Protection of New Plant Varieties), particularly the notorious UPOV 1991, and in the face of local fightbacks from Guatemala to Ghana, the World Trade Organisation has enforced property agreements outlawing the saving of seeds from one season to the next, thus sharply raising costs for farmers producing 70 per cent of the global food supply.

#### 4. Speculative economy—that crashes. Crypto is built on speculation, in the past year its undergone two crashes, there is no reason why society should be built on something that has a 20% tank in value in one day.

Foster et al. 21 – John Bellamy, the editor of Monthly Review and a professor of sociology at the University of Oregon. R. Jamil Jonna, associate editor for communications and production at Monthly Review. Brett Clark, associate editor of Monthly Review and a professor of sociology at the University of Utah. “The Contagion of Capital Financialised Capitalism, COVID-19, and the Great Divide”, Jus Semper Global Alliance. In Pursuit of the People and Planet Paradigm Sustainable Human Development, <https://jussemper.org/Resources/Economic%20Data/Resources/BellamyFosterJonaClark-ContagionCapital.pdf>, 03-xx-2021

As we have seen, when corporations do not invest their economic surplus in new capital formation—primarily due to vanishing investment opportunities in an economy characterised by excess capacity—they are left with abundant free cash that is partly returned to the shareholders through share buybacks and, to a lesser degree, dividends. It is also used for speculation, including mergers, acquisitions, and the panoply of corporate “cash management” techniques that amount to the leveraging of free cash to enhance returns. This gives rise to a whole alphabet soup of 19 financial instruments, in which corporations use the cash at their disposal partly as collateral for debt leverage, with non-financial corporate debt rising rapidly as a share of national income. Predictably recurring internal corporate funds in the form of free cash constitute a “flow collateral” allowing for further leverage, feeding speculation. A speculative economy relies on borrowed funds for leverage, backed up in part by cash. Expanding cash reserves are also needed as hedges in case of financial defaults. The whole system is a house of cards. The progressive financialisation of the capitalist economy, whereby the financial superstructure continues to expand as a share of the underlying productive economy, has led to ever-greater asset price bubbles and growing threats of world economic meltdown. So far, a complete meltdown has been headed off by central banks, as in the 2000 and 2008 financial crashes. At every major recurring disturbance, and with serious economic repercussions, the monetary authorities pump massive amounts of cash into the financial superstructure of the economy only to give rise to greater bubbles in the future. Theoretically, stock values represent future expected streams of earnings arising primarily from production. Nowadays, 20 however, finance has become increasingly autonomous from production (or the “real economy”), relying on its own speculative “self-financing,” leading to financial bubbles, contagions, and crashes, with the monetary authorities intervening to keep the whole house of cards from collapsing. This serves to reduce the risk to speculators, thereby keeping the value of stocks and other financial assets rising on a long-term basis, along with the overall wealth/income ratio. In these circumstances, so-called asset accumulation by speculative means has replaced actual accumulation or productive investment as a route to the increase of wealth, generating a condition of “profits without production.”21 In order to grasp the full significance of the financialisation of the economy, it is useful to look at the two conceptions of capital (relative to national income) depicted in Chart 3. One of these, the numerator of the lower line, is the 22 traditional conception of capital as fixed investment stock (physical structures and equipment) at historical cost minus depreciation. This is called the fixed capital stock of the nation and is tied directly to economic growth. It represents 23 what economic theorists from Adam Smith to Karl Marx to Keynes have referred to as the accumulation of capital. Capital formation and national income are closely related, generally rising and falling together, producing the relatively flat line, representing the ratio of fixed capital stock to national income, shown in Chart 3.24 Yet, capital, as Marx noted very early in the process, has more and more taken on the “duplicate” form of “fictitious capital,” that is, the structure of financial claims (in monetary values) produced by the formal title to this real capital. Insofar as economic activity is directed to the appreciation of such financial claims to wealth relatively independently of the accumulation of capital at the level of production, it has metamorphosed into a largely speculative form.25 This can be seen by looking again at Chart 3. In contrast to the lower line, the upper line depicts what is traditionally seen as the wealth/income ratio (which some economic theorists, such as Thomas Piketty, conflate with the capital/ income ratio, treating wealth as capital). The numerator here is the value of corporate stocks. Since the mid–1980s, the 26 ratio of stock value to national income has increased more than 300 percent. This marks an enormous growth of financial wealth, with speculation-induced asset growth sidelining the role of productive investment or capital accumulation as such in the amassing of wealth. This is associated with a massive redistribution of wealth to the top of society. The top 10 percent of the U.S. population owns 88 percent of the value of stocks, while the top 1 percent owns 56 percent. Rising stock values relative to national income thus mean, all other things being equal, rapidly rising 27 wealth (and income) inequality.28 The existence of the two conceptions of capital (and of capital/income ratios) presented here—one representing historical investment cost minus depreciation, and conforming to the notion of accumulated capital stock, the other the monetary value of stock equities (in economics traditionally treated as wealth rather than capital)—is often downplayed within establishment economics under the assumption that in the long run they will simply fall in line with each other, and with national income. As leading mainstream economic growth theorist Robert Solow writes: “Stock market values, the financial counterpart of corporate productive capital, can fluctuate violently, more violently than national income. In a recession the wealth-income ratio may fall noticeably, although the stock of productive capital, and even its expected future earning power, may have changed very little or not at all. But as long as we stick to longer-run trends…this difficulty can safely be disregarded.”29 But can the divergence of stock values from income (and from fixed capital stock) in reality be so easily disregarded? Chart 3 depicts a sharp increase in stock values relative to national income, which has now continued for over a third of a century, with decreases in total stock values as a ratio of national income (output) occurring during recessions, then rebounding during recoveries. The 30 overall movement is clearly in the direction of compounded financial hyperextension. This conforms to the general pattern of the financialisation of the capitalist economy, constituting a structural change in the system associated with the growth of monopoly-finance capital. This has gone hand in hand with a bubblier economy, with financial bubbles bursting in 1987, 1991, 2001, and 2008, but ultimately shored up by the Federal Reserve and other central banks. Today, vast amounts of free cash are spilling over into waves of mergers and acquisitions, typically aimed at acquiring mega-monopoly positions in the economy. A major focus is the tech sector, much of which is directed at commodifying all information in society, in the form of a ubiquitous surveillance capitalism. All financial bubbles derive their animus 31 from some common rationale, which claims that this time is different, discounting the reality of a bubble. In the present case, the rationale is that the advance of the FAANG stocks (Facebook, Apple, Amazon, Netflix, and Google), which now comprise almost a quarter of the value of Standard and Poor 500’s total capitalisation, is unstoppable, reflecting the dominance of technology. Apple alone has reached a stock market valuation of $2 trillion. All of this is feeding a massive increase in income and wealth inequality in the United States, as the gains from financial assets rise relative to income. Yet, like all previous bubbles, this one too will burst.32 Kalecki determined that the export surplus on the U.S. current account increased free cash, as did the federal deficit.33 However, the current account deficit cannot be seen, in today’s overall structural context, as simply reducing free cash, because of the changed role of multinational corporations in late imperialism, which alters other parts of the equation. Due to globalisation and the rise of the global labor arbitrage, U.S. multinational corporations in their intra-firm relations have in effect substituted production overseas by their affiliates for parent company exports, thereby decreasing their investment in fixed capital in the United States. The sales abroad of goods by majority-owned affiliates of U.S. 34 multinational corporations in 2018 were 14.5 times the exports of goods to majority-owned affiliates. Foreign profits of 35 U.S. corporations as a proportion of U.S. domestic corporate profits rose from 4 percent in 1950 to 9 percent in 1970 to 29 percent in 2019. This mainly reflects the shift in production to low unit labor cost countries in the Global South. Samir Amin described the vast expropriation of surplus from the Global South, based on the global labor arbitrage, as a form of “imperialist rent.”36 This expansion of global labor-value chains is also associated with an epochal increase in what is called the non-equity mode of production, or arm’s length production. Companies like Apple and Nike rely not on foreign direct investment abroad, but instead draw on subcontractors overseas to produce their goods at extremely low unit labor costs, often generating gross profit margins on shipping prices on the order of 50 to 60 percent.37 The loss of investment in the United States, as U.S. multinational corporations have substituted production overseas, coupled with the growth of foreign profits of U.S. mega firms, has further increased the free cash at the disposal of corporations (even with a growing deficit in the current account), thereby intensifying the all-around contradictions of over-accumulation, stagnation, and financialisation in the U.S. economy. Much of this free cash is parked in tax havens overseas to escape U.S. taxes.38

#### 5. Reject all their ev to the contrary—psychological biases and it’s colonialist. Their Schmidt evidence proves this as it relies on the idea

Sideeq Mohammed, 21 (Kent Business School, The University of Kent, Canterbury UK “Stories and Organization in the Anthropocene” Preface pp viii-X Published 08-31-2021; Accessed 10-30-2021; Wally)

Yet other storying is woven into this deterministic new “grand narrative”. There are those who tell the story that our current ways of life can continue forever without abatement or alteration. Building robust identity politics out of climate change denial, the “cool dudes” (see McCright PREFACE: STORIES THAT WRITE THEMSELVES ix & Dunlap, 2011) who are proud consumers of meat, single-use plastics, and fossil fuels are dwindling in number as a new story is emerging, one that sees the anthropocene as an uncharted new territory for capitalist innovation and creativity. For some, like then governor of the Bank of England, Mark Carney, the anthropocene represents a “huge opportunity” for those firms willing to manage their risks correctly and take the necessary steps to adapt and innovate. Speaking in an interview in 2019, he described what seemed to be the feelings of a distended mass of people with private wealth interests who believe that “capitalism is part of the solution and part of what we need to do” in our fight against a changing climate (Busby, 2019). Indeed, Capital is already creating an extensive array of strategies for continuing to grow and proliferate well into the future. Turning fish scales into bioplastics, recycling concrete, cars that run on coffee grounds or other food waste, bacteria that can survive by eating plastics in the water supply, robotic bees to pollinate flowers, new more efficient decarbonization systems, and all other varieties of “environmentally friendly” technologies are the site of a new gold rush, with a generation of eager new entrepreneurs, inventors, and scientists, who have internalized what some might term the neoliberal story of individual success through hard-work and ingenuity, are racing to produce the next big paradigm-altering, wealth-generating innovation. The story here is inherently multiple, a reversible figure which can be seen as either attempts to green capitalism and render it sustainable in order to save the human race from ecological collapse or as blatant and transparent profiteering off of the crises and challenges of the anthropocene. Is it a rabbit or a duck? Is it both at once if we squint our eyes? Are we trying to “save the planet” or turn the global economy into a glorified pyramid scheme with green optics? This tension is never more transparent than when fossil fuel companies like BP produce grandiose and green end of year reports which speak about the extensive and continued work that they are doing to reduce their own carbon footprints and transition to renewable sources of energy like wind and solar (see BP, 2019). Make no mistake, this is Capital’s survival instinct awakening, realizing that it faces the threat of decreased growth and profits, and reaching out to capture and commodify new territories. The warped story or heroic-fantasy that “the market” cum messiah will arrive with some new innovation, usually through the vessel of some Elon Musk-esque entrepreneur, in order to save us from the destruction of the anthropocene, is deeply embedded into the fabric of our collective unconscious. Yet this story is demonstrably fallacious. In An inconvenient truth: how organizations translate climate change into business as usual, Christopher Wright and Daniel Nyberg (2017) draw on a ten-year case study of Australian organizations in order to tell us bluntly that the contemporary corporation cannot be a “leader” when it comes to climate change and finding new modes of living in the anthropocene. Organizations consistently prioritize short-term profits over long-term social welfare and discount the idea of responding to climate change if it means curtailing growth. Consequently, their responses to the anthropocene will always seek to deploy placatory branding and conciliatory policy: trying to improve energy efficiency, reduce waste and recycle, reduce carbon emissions, develop new more sustainable products, manage their supply chains to have reduced environmental impact, participate in State attempts at regulation through reporting emissions, advocacy, lobbying, and so on. All of these adaptations are best described as attempts to secure some kind of social, political or market advantage—which is to say that in every case, contemporary organizations seek to preserve the very logics of capitalist production which are implicated in ecological crisis. Indeed, pressure from consumers, lobbying groups, and many State and international bodies means that the majority of large organizations now adopt at least the pretence of environmentalism in order to secure future revenue streams. This is why Wright and Nyberg suggest that only systematic intervention by a State or other authority can coerce firms to acting in ways that do not only serve their best interests—they are all too aware that the anthropocene is a new territory to be colonized by the eager and insightful lust of Capital. Rather than scuppering or stymying it in any way, the anthropocene, as Žižek (2010) once intimated, may well champion Capital to new and greater successes.

#### 6. Profit stifles innovation—property rights, no incentive for R&D

Bee 18 [Vanessa A. Bee. Senior Litigation Counsel at the Consumer Financial Protection Bureau with a JD from Harvard Law. Innovation Under Socialism. 10-24-2018. <https://www.currentaffairs.org/2018/10/innovation-under-socialism> ]

But prioritizing profit is a double-edged sword that can hamper innovation. Owning the proprietary rights allows private firms to block workers—through anti-competitive tools like non-compete agreements, patents, and licenses—who put labor into the innovation process from applying the extensive technical expertise and intimate understanding of the product to improve the innovation substantially. This becomes especially relevant once the workers leave the firm division in which they worked, or leave the firm altogether. Understandably, this lack of control and ownership will cause some workers, however passionate they may be about a project, to be less willing to maximize their contribution to the innovation.

Of course, the so-called nimbleness that allows firms to make drastic changes like mass layoffs is extremely harmful to the workers. This is no fluke. The capitalist economy thrives on a reserve army of labor. Inching closer to full employment makes workers scarcer, which empowers the labor force as a whole to bargain for higher wages and better work conditions. These threaten the firm’s bottom line. So, the capitalist economy is structured to maintain the balance of power towards the owners of capital. Positions that pay well (and less than well) come with the precariousness of at-will employment and disappearing union power. A constant pool of unemployed labor is maintained through layoffs and other tactics like higher interest rates, which the government will compel to help slow growth and thereby hiring. This system harms the potential for innovation, too.

The fear of losing work can dissuade workers from taking risks, experimenting, or speaking up as they identify items that could improve a taken approach—all actions that foster innovation. Meanwhile, thousands of individuals who could be contributing to the innovative process are instead involuntarily un-employed. This model also encourages monopolization, as concentrating market power gives private firms the most control over how much profit they can extract. But squashing competition that could contribute fresh ideas hurts every phase of the innovation process, while giving workers in fewer workplaces space to innovate.

Deferring to profit causes many areas of R&D to go unexplored. Private firms have less reason to invest in innovations likely to be made universally available for free if managers or investors do not see much upside for the firm’s bottom line. In theory, the slack in private research can be picked up by the public sector. In reality, however, decades of austerity measures  threaten the public’s ability to underwrite risky and inefficient research. Both the Democratic and Republican parties increasingly adhere to a neoliberal ideology that vilifies “big government,” promotes running government like a business, pretends that government budgets should mirror household budgets or the private firm’s balance sheet, and rams privatization under the guises of so-called public-private partnerships and private subcontractors.

In the United States, public investment in R&D has been trending downward. As documented in a 2014 report from the Information Technology & Innovation Foundation, “[f]rom 2010 to 2013, federal R&D spending fell from $158.8 to $133.2 billion … Between 2003 and 2008, state funding for university research, as a share of GDP, dropped on average by 2 percent. States such as Arizona and Utah saw decreases of 49 percent and 24 percent respectively.” Even if public investment in the least profitable aspect of research suddenly surged, in our current model, the private sector continues to be the primary driver of development, production, and distribution. Where there remains little potential for profit, private firms will be reluctant to advance to the next phases of the innovation process. Public-private projects raise similar concerns. Coordinated efforts can increase private investment by spreading some costs and risk to the public. But to attract private partners in the first place, the public sector has a greater incentive to prioritize R&D projects with more financial upsides.

This is how the quest for profits and tight grip over proprietary rights, both important features of the capitalist model, discourage risk. Innovations are bound for plateauing after a few years, as firms increasingly favor minor aesthetic tweaks and updates over bold ideas while preventing other avenues of innovation from blossoming. At the same time, massive amounts of capital continue to float into the hands of a few. The price of innovating under capitalism is then both decreased innovation and decreased equality. The idea that this approach to innovation must be our best and only option is a delusion.

#### This also means decoupling is nonsense

Marques 20 – Luiz, associate professor at the Department of History, University of Campinas (Unicamp), Brazil. “The Illusion of a Sustainable Capitalism” in “Capitalism and Environmental Collapse”, Springer, <https://link.springer.com/chapter/10.1007/978-3-030-47527-7_13>, 08-18-2020

If I am not mistaken, the **advocates of this thesis prefer the following argument: adopting innovative solutions to increase the efficiency of the input/product or product/waste ratio and improve environmental safety in the production process** **increases** the company’s **competitiveness** (as opposed to reducing it) because it is a value-generating process, be it in terms of risk management, brand image, and, finally, effective financial results. **If this is true, then taking the lead and being at the forefront of economic processes with lower environmental impact and risk will ensure a better profitabilit**y than the average profit rate. I hope to not underestimate the literature on the business and sustainability binomial by saying that it limits itself to elaborating variations on this theme while offering several case studies on the direct relationship between sustainability and profitability. There are a growing number of economists and NGOs committed to encouraging companies to embrace this belief. They naturally render a tremendous service to society and to the companies themselves through their work. **However**, their **success is limited by the three aspects that render an environmentally sustainable capitalism impossible**, as stated in the title of this section. **(1) Decoupling and Circular Economy Decoupling** **is the hope that eco-efficient technologies** and production processes **in industrialized countries with mature economies will enable the miracle of increased production** and consumption **with** **less pressure** (or at least no corresponding increase in pressure) **on** **ecosystems** (Jöstrom and Östblom 2010). **It is true that a greater efficiency in the production process may allow for relative** decoupling, **meaning that it enables a reduction in pressure per product or per unit of GDP**. **But it does not decrease this pressure in absolute terms**, **since the number of products does not cease to increase on a global scale.** **The mechanism known as the “Jevons paradox**” **or rebound effect describes how increasing demand for energy or natural resources** **always tends to offset the eco-efficiency gain** **of technological innovation**. **Thus, although energy efficiency per product has doubled** or even tripled **since 1950, this gain is offset by the** **expansion** **of production at a greater rate than the** **eco-efficiency gain.** The actions of institutions and business foundations that advocate for an eco-efficient and circular economy based on reverse engineering, recycling, reuse, and remanufacturing are certainly positive. We know, however, that **there is no circular economy**. **No economy, let alone a global economy trapped in the paradigm** of **expansion, can evade the second law of thermodynamics**, whose relationship with economics has been analyzed by Nicholas Georgescu-Roegen since the 1970s (1971, 1975 and 1995). Here we must state the obvious: **even though the surplus energy supplied by oil and other fossil fuels in relation to the energy invested to obtain them is declining** (for this declining EROI, see Chap. 5, Sect. 5.5), **low-carbon renewable energies are not yet, and may never be, as efficient as oil.** **This means that the energy transition,** while urgent and imperative, **will further distance us from a circular economy.** According to calculations by Dominique Guyonnet, “**to provide one Kw/h of electricity through land-based wind energy requires about 10 times more reinforced concrete and steel** **and 20 times more copper** **and** **aluminum** than a coal-fired thermal power plant” (Madeline 2016). **The only way**, therefore, **to lessen the environmental impact of capitalism is to reduce**, in absolute terms, **the consumption of energy** **and** **goods** by the richest 10% or 20% of the planet. **This is incompatible with capitalism**’s basic mechanism of expansive functioning and with the worldview that it sells to society. **(2) The Law of Resources Pyramid The increasing scarcity** **of certain inputs and the need to secure their large-scale and low-cost supply nullify the potential benefits of various green initiatives taken on by** **companies**. **These cannot**, in fact, **evade the law of the resources pyramid**, described by Richard Heinberg (2007): **The capstone [of the pyramid] represents the easily and cheaply extracted** **portion of the resource; the next layer is the portion of the resource base that can be extracted with more difficulty and expense**, **and with worse environmental impacts**; **while the remaining bulk of the pyramid represents resources unlikely to be extracted** under any realistic pricing scenario This law of the resources pyramid can be stated in an even simpler form: **in capitalism, the logic of capital accumulation** **and** **surplus**, **together with the growing scarcity of finite natural resources**, **necessarily exacerbates** **the negative environmental impact** **of economic activity.** **(3) The Impossibility of Internalizing the Environmental Cost What makes it specifically impossible for corporations to submit themselves to the environmental imperative is the impossibility of “internalizing”** **the costs of increasing environmental damage** **that they bring about**. **Methodologies to “price**” **nature are now** **multiplying**. **But whatever the methodology** (**always based on the assumption that the value of nature is reducible to a market price**), **the result is the same: it is** **impossible** **for corporations to internalize their environmental cost because the total value generated by their activity is often less than the monetary expression** of **the value of the natural heritage that was destroyed by that activity.**4 A report was prepared for The Economics of Ecosystems and Biodiversity (TEEB), titled Natural Capital at Risk. **The top 100 externalities of business (2013) show that:** **The estimated cost of land use, water consumption**, **GHG emissions**, **air pollution**, **land** **and** **water pollution** **and** **waste** **for the world’s primary sectors amounts to almost** **US$7.3 trillion**. The analysis takes account of impacts under standard operating practices, but excludes the cost of, and risk from, low-probability, high-impact catastrophic events. (…) **This equates to 13% of global economic output** in 2009. Risk to business overall would be higher if all upstream sector impacts were included.

### Alt

#### Commons develop break-through innovation. Focus on competition causes them to be commercialized for profit.

Silke Helfrich & David Bollier 19. Helfrich studied romance languages and pedagogy at the Karl-Marx-University in Leipzig, served as head of Heinrich Böll Foundation Thuringia and head of the regional office of Heinrich Böll Foundation for Central America, Cuba and Mexico. Bollier worked in policy advocacy with a Member of Congress, the auto safety regulatory agency, and public-interest organizations, and co-founded Public Knowledge, a Washington advocacy organization for the public’s stake in the Internet, telecom and copyright policy.“Free, Fair, and Alive : The Insurgent Power of the Commons” July 2019.

Modern industrial culture has placed such a premium on “innovation” — fueled in large part by an endless quest for competitive advantage — that innovation is often seen as an absolute good in itself. In such a world, its general goal is to help businesses prevail against competitors in the marketplace, improve return on investment, and entice consumers to buy an endless stream of “new and improved” products. By contrast, the commons as a system of provisioning is often considered backward, premodern, or tribal — ways of producing things that are seen as static, stodgy, and not innovative. This is a gross caricature if not untruth because many commoners are extremely capable of adapting to changing needs, including the need to reduce one’s ecological footprint. In a commons, there is no imperative to constantly expand production and profit, and so creativity can be focused on what really matters — ameliorating quality, durability, resilience, and holistic stability. Innovation need not be linked to boosting market sales and ignoring planetary health. Countless commons exhibit the pattern of Creatively Adapt & Renew as part of their everyday activity. As Eric von Hippel shows in his book Democratizing Innovation, all sorts of practitioner-communities — bicyclists, hang-gliders, skiers, extreme sports buffs — have developed breakthrough ideas that were later commercialized by conventional businesses.26 Indigenous peoples, too — long considered fixed and traditional in their ways — have shown immense creativity over the centuries in co-creating robust ecosystems through seed-breeding and animal domestication. The fertile soil in the Amazon region known as terra preta do indio — “dark earth of the Indians” — writes political economist James Boyce, “is not a random anomaly, but rather a deliberate creation of Indigenous farmers who long ago practiced ‘slash-and-char’ agroforestry in the region. A noteworthy feature of terra preta is its remarkable capacity for self-regeneration, which scientists attribute to soil microorganisms.”27 Such practices can also be seen in the creation of gravity-fed acequia irrigation in the upper Rio Grande valley, which transformed the semi-arid region into a rich landscape of wetlands, cultivated fields, and riparian corridors that allowed many animal species to flourish. The ETC Group, an organization that studies technological innovation, has called such creativity “Indigenous innovation” and “cooperative innovation”28 because Indigenous peoples have made countless ethnobotanical and ecological discoveries that transnational corporations have later sought to appropriate for free and privatize (“biopiracy”). Commoners survive through creative adaptation and renewal. It is in their blood. They habitually have to make do with what is available and improvise. Among peasants and poor people in India, there is a word for such innovation — jugaad — the Indian practice of slapdash innovation from whatever is at hand.29 Creative adaptation, in truth, is a part of the human condition. Struggle and need induce creativity as a matter of survival.

#### Empirics and theoretical models show that it’s successful.

Lijster, 21

(Thijs, Ph.D. in Philosophy, University of Groningen, “The commons versus capitalism”, Eurozine, 07/29/2021, https://www.eurozine.com/the-commons-versus-capitalism/)\\JM

Since the beginning of the twenty-first century, the concept of the ‘commons’ has steadily ascended in significance in activist circles, scientific literature and in fields ranging from political philosophy and economics to jurisprudence and cultural theory. Traditionally, the commons were the natural resources that belonged to no one, which everyone could use: the forests where wood was gathered, the fields where cattle grazed or the wells where clean water could be drawn. According to current economic and political theory, over the course of capitalism’s emergence and ascent during the fifteenth to nineteenth centuries, these commons were gradually expropriated and turned into private property – the so-called ‘enclosure of the commons’. Theorists now seem to agree that this was not a one-time transition but an ongoing movement. Indeed, new commons are being created that are also in danger of being expropriated or destroyed today. In 2001 Naomi Klein wrote Reclaiming the commons, a short essay in which she mentions the anti or alter-globalization movement in the same breath as environmental movements, urban activists and labour movements, all of which she says were part of a growing resistance to increasing expropriation, privatization, ‘public’ resources and services.1 In 2009 the Nobel Prize for Economic Sciences went to American economist Elinor Ostrom, author of Governing the Commons.2 In it she debunks ecologist Garrett Hardin’s ‘tragedy of the commons’, derived from his 1968 article of the same title, which suggests a shared piece of land would quickly be depleted by farmers grazing more livestock there out of self-interest.3 Ostrom used historical sources and theoretical models to show that the commons could actually work. She asserted that collectively-managed pastures, forests, water supplies and fishing waters had worked well for centuries without state intervention or individual claims to ownership. While Klein and Ostrom wrote predominantly about existing commons and their expropriation, the concept also turns out to be applicable to all kinds of new forms of communal ownership and management, especially in the digital sphere and ‘man-made’ commons such as knowledge, culture, information and communication. Wikipedia, the encyclopaedia that is not only openly accessible and ad free but can also be added to and edited by anyone, is a prime example of this type of digital commons. Indeed, the American legal scientist Lawrence Lessig founded the Creative Commons license in 2001, providing a counterweight to the growing control of private companies over the circulation of knowledge and creativity. Since then, the concept has been researched and applied in all kinds of spheres. Urban geographers speak of ‘urban commons’, the scientific world is already being described as a ‘knowledge commons’, the Internet has ‘digital commons’ and cultural heritage ‘cultural commons’. Everything seems to be a ‘commons’ or could be described as such. Policymakers were soon eager to claim the term for themselves as well, becoming trendy in cultural memorandums. The one-time Dutch Minister of Education, Culture and Science Jet Bussemaker described education as a ‘commons’ in a 2017 speech. When Leeuwarden was European Capital of Culture in 2018, the theme was ‘community’. An elite university in the US, which charges fifty thousand dollars in tuition fees, calls the university’s library an ‘information commons’. And how could it be otherwise, when even a hip restaurant chain called The Commons claims ‘to bring people together from around the globe, to share stories, experiences and discover the beautiful things they have in common’. In short, the attention the commons has received is accompanied by a confusion of concepts, whereby the critical power of the commons is in danger of disappearing. When, or why, is something a commons? What is the difference between the ‘communal’ and the ‘public’, and how does it relate to capitalism? Two recent books attempt to answer these questions. A Common revolution Philosopher Pierre Dardot and sociologist Christian Laval’s Common: On Revolution in the 21st Century is an in-depth work4, in which the authors go back to the root of the concept in Roman law. They then enter into dialogue with virtually all thinkers and scientists who have made a relevant contribution to the discussion about the commons: from ancient and medieval philosophers such as Aristotle and Thomas Aquinas, via early modern thinkers such as Hugo de Groot and John Locke and thinkers in the socialist and anarchist tradition, such as Karl Marx and Pierre-Joseph Proudhon, to contemporary theorists such as Ostrom and Klein, Michael Hardt and Antonio Negri, and Jean-Luc Nancy and Roberto Esposito. Dardot and Laval’s preference for identifying a ‘common’ in the singular rather than plural form is already evident from the title of their book. They do not perceive ‘the common’ so much as an object or good but first and foremost as a political principle. In their introduction they write: If “the commune” is used to name a specific local, self-governing polity, and the “commons” is the name given to a diverse array of objects or resources managed by the activities of individuals and collectives, “common” is more properly the name of the principle that both animates and guides this activity. The reasons for the focus on the singular ‘common’ are both conceptual and political-strategic in nature. Dardot and Laval first want to avoid the long-running discussion about what kind of objects or goods are ‘commons’ or could be. They circumvent the question of whether there is a connection between certain natural properties of things and the degree to which they became public or private property. For example, it was long thought that water and air are common goods because they are inexhaustible and unlimited. According to Hugo de Groot, water could only become private property once it was in a specific container; indeed, anyone who has ever been puzzled by bottled mineral water now knows who to blame. Now we know how to organize price tags on nature: a vibrant global emissions rights trading system has emerged, which is essentially horse-trading for clean air. Multinationals like Nestlé and Coca-Cola are making billions from drinking water, which is quickly becoming the new oil. The Space Act, a law passed by the US Congress in 2015, has even made it possible to privatize asteroids and celestial bodies. Opposed to any form of naturalism or essentialism, Dardot and Laval argue that there are no essential properties which exclude or impose their common use and management; for them, any demarcation between ‘the common’ and private or state property is purely a legal matter. They argue that the legal standard is based on nothing more than a shared practice. With this last point, they are opposed not only to a naturalistic tradition but also, for that matter, to the discourse of Klein and others who speak of ‘reclaiming’ the ‘expropriated’ commons. After all, these terms imply that certain ‘goods’ (land, water, etc.) were once owned by something or someone else – namely, an original community – and ‘in essence’ belong to the community. Not only does such a perception of the commons adhere to the idea that property is more fundamental than a practice but it also suggests something reactive, if not even romantic, about it. It implies a harmonious state of nature and a rosy picture of an original community that never existed, not least because such original communities were often organized according to a patriarchal system and, therefore, by no means deserve to be romanticized. Karl Marx, of course, already recognized this. For him, ‘communism’ was not something archaic but, on the contrary, something modern. Capitalism’s expropriation of the commons was a necessary step towards communism for Marx. The former would create the conditions for production’s centralization, which the proletariat could then overpower in what Marx called, in Hegelian manner, the ‘negation of the negation’. Nevertheless, Dardot and Laval are not Marxists for several reasons. For them, Marx failed to recognize that the common is just as dependent on communal decision-making as it is in the case of common property, because of his emphasis on its economic ‘basis’. As a result, according to Dardot and Laval, every centrally organized form of state communism is hostile to the principle of the common. They have no illusions about the countries considered communist during the twentieth century – some of which still are to this day – and refer to them as ‘terrorist’ and ‘reactionary, bureaucratic police states’. Dardot and Laval also refute Marx for his aforementioned view of the common as a necessary historical product of capitalism. A contemporary variant of this, though perhaps a little less deterministic, can be found in Michael Hardt and Antonio Negri’s Empire Trilogy.5The authors of Empire, Multitude and Commonwealth argue that capitalist production is becoming ‘immaterial’, or rather in their terms ‘biopolitical’, based on knowledge, information and affects known as ‘human capital’ in neoliberal jargon. As such production processes are based on circulation and collective organization, the development of capitalist production creates a form of communism as a matter of course. Quoting Marx and Engels, Hardt and Negri argue in Commonwealth that capitalism, therefore, gives birth to its own gravediggers. While Dardot and Laval recognize Hardt and Negri’s understanding of ‘the common’, they are not very fond of this sort of optimism. Understanding the common as a political principle suggests that it cannot just arise from production processes alone but must also be the beginning and outcome of a political struggle. And their concept of ‘the common’ is ultimately legal: it does not describe what is but what should be. However, this shifts the problem elsewhere. The question of what the basis for laws and legal standards is ultimately leads Dardot and Laval to a fundamental paradox of philosophy, namely that laws and rules are based on collective practices and customs, which are in turn guided by laws and rules. Instead of solving this paradox, they decide to embrace it through the use of the term ‘instituent praxis’: ‘this is why the activity of instituting the common can only be done in common, such that the common is both a qualitative form of human activity and the result of this activity itself’. Following in the footsteps of philosopher Cornelius Castoriadis, they view an institution as something that always has an imaginary dimension, which offers the possibility of seeing something as different from what it is. Political-emancipatory praxis, therefore, presupposes the creation of new and different institutions, which will in turn be able to guide the collective imagination – that which we think is possible, desirable or necessary. Dardot and Laval’s position could be called anarchist, in the literal sense that their politics is groundless (an-arche, without grounds or origin). Indeed, they seem to veer towards Proudhon, the patriarch of anarchism, rather than Marx. However, in attaching importance to institutions, they do not reject all forms of authority or the exercise of power. The authors present nine ‘political propositions’ that should guide ‘revolution in the twenty-first century’, which serve as the subtitle of their book, one that should free us from the rule of state or market that has characterized the twentieth century. They ultimately arrive at a political panorama that they call a ‘federation of commons’, an alliance of autonomous, democratically-organized communities. This is somewhat reminiscent of Hannah Arendt’s ‘council republic’, with the significant difference being that Arendt always assumed a strict distinction between political and socio-economic spheres. According to Dardot and Laval, we cannot make such a distinction; if we are to take ‘the common’ seriously, not only political governance but also the sphere of production must be organized according to democratic values. Political centralization and economic competition have always characterized modern states. Dardot and Laval want to reverse both principles and replace them with ‘municipal autonomy’ and ‘economic solidarity’. One criticism of the book is that it almost never gets concrete. This may not be entirely attributable to the authors, as the ‘federation of commons’ about which they write is historically unprecedented and is precisely an attempt to think of a radically different organization of society. Nevertheless, in a study that places so much emphasis on human activity as the basis of ‘the common’, you would expect a little more analysis of this endeavour. The potential for this has already been proven not only in earlier studies by the aforementioned Elinor Ostrom but also in more recent work by Massimo De Angelis, Stavros Stavrides and Silvia Federici. Reproductive labour In the 1970s the Italian-American Silvia Federici co-founded the International Feminist Collective and the Wages for Housework movement. In this capacity, she focused on what is referred to in Marxist jargon as ‘reproductive labour’, that is to say, the forms of labour necessary to enable ‘productive labour’: namely, the production of goods and services, for which women were traditionally responsible – think caring for children and the elderly, domestic work such as cooking, washing and cleaning, and the literal reproduction of ‘workers’ through procreation. These are all forms of ‘labour’ that capitalism strongly depends on but which are not recognized as labour, because they belong to the private sphere and, therefore, not to what we normally call ‘the economy’. For a long time, workers’ and socialist movements also failed to see that the oppression and exploitation of the worker in the factory was inherently linked to the oppression and exploitation of women in the household. Thus, the wage claim for domestic labour forces us not only to recognize the equality and parity of men and women but also to question our assumptions about concepts such as ‘labour’ and ‘productivity’. Federici’s Caliban and the Witch is a historical-philosophical study in which she shows that the birth of capitalism was accompanied by increasing oppression and exercise of power over the bodies of women, which resulted, among other things, in the large-scale witch persecutions of the early modern period.6 Reenchanting the World: Feminism and the politics of the commons is a collection of Federici’s previously published essays and chapters.7 The first three pieces are from a 1990 publication on ‘new enclosures’ by the Midnight Notes Collective. All of the other texts were published after 2010. This shows just how long Federici has been working on this subject – even before it became ‘hip’ – but also makes the whole less cohesive than previous work. Conceptually and philosophically, the book doesn’t meet the thoroughness of Dardot and Laval. Nevertheless, it is a very welcome addition to the debate and literature on the commons in two respects: firstly, due to the feminist and anti or post-colonial perspective Federici brings; and, secondly, for the many concrete examples that she cites. With regard to the former, it may not be appropriate to speak of a ‘feminist perspective’ in the commons, because, as Federici makes clear, the concept of the commons naturally implies, or should imply, such a perspective. The commons have traditionally been the domain of reproduction and are fundamentally in the service of the preservation of life. Therefore, a strong connection exists between woman as the ‘primary subject of reproductive labour’ and the commons; women have historically always been the most dependent on the commons and have suffered the most from their expropriation from it. In Caliban and the Witch, Federici understands even the woman’s body itself as a ‘commons’ that was expropriated for the production of workers; hence, the strict prohibition on abortion, and the ideal image of woman as a chaste and submissive mother and housewife. Numerous examples in the book show that such expropriation practices are still the order of the day, especially from Asia, South America and Africa; Federici was a professor in Nigeria for many years. She is very critical of the micro-credit system that the World Bank has promoted as a motor of both economic development and women’s emancipation. She shows how microcredit not only introduces an economic logic – of ‘investing in entrepreneurship’ – which in practice often has a harmful effect on the commons, but also how the inability to repay debts, whatever the circumstances, is often used to publicly shame and exclude women, like a new witch hunt. It is not without reason that anti-debt movements have already emerged in several African countries. Due to her focus on reproductive labour, Federici is less hopeful or enthusiastic about what has been referred to as the post-work society, a techno-utopianism that has its origins in Marx, and which we later find with Italian post-operaismo thinkers such as Antonio Negri, or contemporary theorists such as Paul Mason and Aaron Bastani. For example, in Fully Automated Luxury Communism, Bastani sketches a ‘paradisiacal’ world of red plenty, one in which robots have taken over our work, electric vehicles transport us around the world, asteroid mines and solar parks provide us with raw materials and energy, and we consume cultured meat burgers and synthetic wine.8 The male blind spot in such theories or visions of the future is unmistakable: the work that is automated is almost always without exception productive factory labour and not that of reproduction. For this reason, Federici writes in her title essay: But how can we mechanize washing, cuddling, consoling, dressing, and feeding a child, providing sexual services, or assisting those who are ill or the elderly and not self-sufficient? … But even assuming that we could afford such devices, we must wonder at what emotional cost we would introduce them in our homes in replacement of living labour.9 The thought may then occur that household tasks are more evenly distributed through the automation of labour, or that a lot of housework can also be mechanized, but the histories of the vacuum cleaner or the washing machine tell a different story. The perspective of the commons is suitable here as well: based on western ‘modernization’ discourse with reference to Max Weber’s ‘disenchantment’, the commons and reproductive labour are either viewed as something unimportant that we can ignore, or something primitive and backward that we must transcend. Both capitalists and post-work Marxists are trapped in this narrative. The concept of the commons that Federici uses is in many ways similar to that of Dardot and Laval. Like the French duo, she emphasizes that thinking about the commons shouldn’t be understood as ‘defensive’, as a return to earlier, better times. The commons are not something of the past but of all times; if humanity is to survive, the commons must also belong to the future. This also shows that thinking in terms of the commons is not necessarily anti-capitalist. Ostrom, for example, was a proper liberal, certainly not an anti-capitalist. Capitalism constantly makes use of the commons, taking advantage of a ‘commons-fix’10 to address its crises. Think of the dependence of capitalist production on reproductive labour, for example. In our supposedly emancipated West, this dependent relationship has only shifted: American families in which both men and women have full-time jobs often rely on cheap care work from Filipino nannies, who in turn domestically outsource the care of their children to grandmothers. The World Bank’s use of the term ‘global commons’ is another example of a capitalist encapsulation of the concept, which refers to, among other things, oceans, the atmosphere and tropical rainforests. Officially, the preservation of these commons is the goal, but, in practice, it enables the management and distribution of raw materials among powerful and wealthy states, as exemplified by emissions trading. This is exactly why precise use of the concept is so important, argues Federici. ‘No commons without community’ is the banner-ready slogan she writes several times. In line with Dardot and Laval, Federici believes that commons shouldn’t be understood as things but as social relationships: commons include collective decision-making processes, social partnerships, and mutual responsibility relationships based on the resources that are shared and managed. In the case of the so-called ‘global commons’, there is no talk of this kind of global social organization. In fact, under the banner of ‘conservation’, native populations of rainforests and other ‘nature reserves’ are being dispossessed and expelled, replaced by eco-tourists and wealthy investors. The commons and the state The concept of the common (or the commons) proves useful when criticizing and analysing such developments. Federici writes with a sharp pen about the struggle for land in Latin America and Africa, about housing shortages in China and the illegal soup kitchens that arose after the fall of Salvador Allende in Chile. Federici, Dardot and Laval provide ‘the common’ with a lens through which we can connect various forms of social, political and cultural struggle. Simultaneously, the authors arm us against the false romanticization of community, or the encapsulation of the commons in trendy policy, or in the so-called ‘sharing economy’, behind which companies such as Uber and Airbnb have successfully managed to conceal their exploitative practices.

## Blockchain

#### Bitcoin’s price per transaction makes it inherently centralized, no scalability, and links to the cap K – only reason they want people to join is to raise the price of transactions which will only further entrench centralization

Weintraub, 22

(Josh, M.A. student in Cybersecurity at Georgia Tech, B.S. in Computer Science and Cybersecurity from the University of Georgia, “Bitcoin Vs. Ethereum”, The Crypto Conundrum, 2022, accessed 2/10/2022, https://thecryptoconundrum.net/introduction/bitcoin\_vs\_ethereum.html)\\JM

Scalability Issues “Bitcoin doesn’t scale?” No it doesn’t. If you ask me or most people in the ethereum community, they’ll tell you that the bitcoin maximalists are willfully ignorant of this problem. The bitcoin blockchain was revolutionary for its time, literally creating the concept of the blockchain. It’s not the best though. The first mover advantage can only get you so far, if you don’t innovate to keep your lead, and the Bitcoin community has no plans to improve. In its simplest terms, bitcoin blocks are created and processed at fixed intervals with fixed size. As more people try to use it to make transfers, the fees will become exorbitantly high, and speed incredibly slow. This is because transactions work on the auction model. Higher transaction fees incentivize miners to include it in the block, with the transactions with the highest fees being picked up first. At the time of writing this, the average transaction fee per bitcoin transaction is $26.5 and takes around 10 minutes. If you’re moving millions of dollars around, it’s quite a bargain. For the average consumer buying coffee, that’s an outrageous price to pay. On Ethereum that value is currently around $2.61 and 1-3 minutes. Now those values will go up as more people try to use the currencies, and vary based on your ethereum transaction, but you can already tell Ethereum is light years ahead of Bitcoin. Ethereum is currently going through their own set of upgrades, and a community working very hard to bring those costs down, but Bitcoin’s community has no plans to solve this issue. This is often why you may hear about Bitcoin being used as “a store of value” against inflation. This may or may not be true, but it certainly shows that it [is] limited in its capabilities and not usable as an electronic currency for everyday purchases. Smart Contracts are Key Bitcoin’s only use is the ability to send Bitcoin from one person to another. It’s very limited. The creation of smart contracts however, has nearly unlimited use cases. In order to use these applications, you have to pay a transaction fee ONLY in the native currency of that blockchain. If you’re using the ethereum blockchain to send a token from one person to another, you still have to pay a transaction fee in Ether. If you’re exchanging Ether for a USD-Backed stablecoin, you’re still paying that transaction cost in Ether. This means that the value of ether is derived not only from its use as a currency, but because it gives you access to interacting with thousands of Decentralized Applications. The more goods and services you can spend your ether on, the more value it has. Think about it like gift cards vs. dollars. Gift cards are only good at one place, but a dollar bill is accepted everywhere. If you could pick between the two, you would pick the dollar every time. This is because its possibilities are greater than the gift card. You can’t invest a gift card in the bank and earn interest on it. Growth Potential In terms of Numbers alone, it’s growth potential is outstanding. It currently has a market cap of $311 Billion, at a price of $2,700/Ether. At a price of $60k/Bitcoin, and a market cap of 1.25 Trillion, Ethereum could grow by literally 4x and still be smaller than Bitcoin by market cap. It’s not unreasonable to think it would grow by 3x and still be less than a Trillion dollars. The combined value of its thousands of tokens and applications give it infinitely more growth potential than bitcoin. In terms of value, its definitely within the realm of possibility that it will be worth $1T, or even $2T or $3 or more. For reference, the total value of the US Stock market is currently $49T. The total world Stock Value is around $95T.

#### Crypto mining wrecks the environment – ewaste and emissions

Jon Huang et al. 21. Claire O’Neill and Hiroko Tabuchi. "Bitcoin Uses More Electricity Than Many Countries. How Is That Possible?." NYT. 9-3-2021. https://www.nytimes.com/interactive/2021/09/03/climate/bitcoin-carbon-footprint-electricity.html

Today you need highly specialized machines, a lot of money, a big space and enough cooling power to keep the constantly running hardware from overheating. That’s why mining now happens in giant data centers owned by companies or groups of people.

In fact, operations have consolidated so much that now, only seven mining groups own nearly 80 percent of all computing power on the network. (The aim behind “pooling” computing power like this is to distribute income more evenly so participants get $10 per day rather than $50,000 every 10 years, for example.)

Mining happens all over the world, often wherever there’s an abundance of cheap energy. For years, much of the Bitcoin mining has been in China, although recently, the country has started cracking down. Researchers at the University of Cambridge who have been tracking Bitcoin mining said recently that China’s share of global Bitcoin mining had fallen to 46 percent in April from 75 percent in late 2019. Meanwhile, the United States’ share of mining grew to 16 percent from 4 percent during the same period.

Bitcoin mining means more than just emissions. Hardware piles up, too. Everyone wants the newest, fastest machinery, which causes high turnover and a new e-waste problem. Alex de Vries, a Paris-based economist, estimates that every year and a half or so, the computational power of mining hardware doubles, making older machines obsolete. According to his calculations, at the start of 2021, Bitcoin alone was generating more e-waste than many midsize countries.

“Bitcoin miners are completely ignoring this issue, because they don’t have a solution,” said Mr. de Vries, who runs Digiconomist, a site that tracks the sustainability of cryptocurrencies. “These machines are just dumped.”

## FTC

### 2NC Heg—A2: Soft Power

#### No soft power impact

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(Alexey Fenenko, Political Science PhD, World Politics Professor at Moscow State University Lomonosova Soft Power: Reality and Myth, 1-29-2016, https://russiancouncil.ru/en/analytics-and-comments/analytics/realnost-i-mify-myagkoy-sily/)//BPS

The use of soft power has natural limits. To put it tentatively, we can single out three such limitations that nullify the effect of soft power. The first one is geopolitical. Small and medium-sized countries will always be wary of a large and powerful country. At best, their elites will always look for something to counterbalance the cultural and ideological influence exerted by other great powers and, at worst, will reject the powerful neighbor’s cultural policy, perceiving it as a new form of imperialism. It is hardly a coincidence that the strongest Russophobia is peculiar to the countries of Eastern Europe, while the strongest anti-American sentiments are witnessed in Latin America. The second limitation is historical. The feud between some nations has such deep roots that putting an end to it through soft power instruments is hardly possible [2]. Soft power can do nothing in a country that forges its identity on the hatred for another country or its people. How much should the Soviet Union have invested in Germany in 1934 to make the latter pro-Soviet? It is obvious that nothing could have changed an already established mind-set. The third limitation is cultural. Different nations and societies assess their role in history in different ways. Russian political scientist T. Alexeyeva rightly notes that Russian society has never had a sense of grandeur about itself. Russia has always considered itself to be a “catch-up country,” seeking the approval of those who “lead the way.” [3] Going into opposition towards other nations has often taken painful and aggressive shape in Germany and Japan. Russia has never had its own Georg Wilhelm Friedrich Hegel, who claimed that the Absolute Idea could self-actualize only in the German world, and that the history had reached its end. Russia has never had its own Paul Rohrbach, who believed that Germany was surrounded by “unhistorical peoples.” [4] Accordingly, the ability to adopt soft power appears to be quite peculiar to each country. These limitations result in a circumscription of the successful application of soft power. Soft power is a tool for enlisting the sympathies of undecided people, rather than of making enemies change their mind.

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