# OFF

### 1NC---T---Must Abandon Consumer Welfare – 1:15

#### Expand requires them to change underlying principles of antitrust, not merely clarify versions of the standard.

Hatter 90 (Terry J. Hatter, Jr., Judge, US District Court, California Central, 1990, “In re Eastport Assoc.,” 114 B.R. 686, Lexis)

[\*\*10] Second, Eastport asserts that the presumption against retroactivity does not apply because the amendment was intended only as a clarification of existing law. HN7 Where an amendment to a statute is remedial in nature and merely serves to clarify existing law, no question of retroactivity is involved and the law will be applied to pending cases. City of Redlands v. Sorensen, 176 Cal. App. 3d 202, 211, 221 Cal. Rptr. 728, 732 (1985). The evidence in this case, however, does not support the conclusion that the amendment to section 66452.6(f) was simply a clarification of preexisting law. The Legislative Counsel's Digest specifically states that "the bill would expand the definition of development moratorium." Senate Bill 186, Stats. 1988, ch. 1330, at 3375 (emphasis added). Since the Legislative Counsel is a state official required by law to analyze pending legislation, it is reasonable to presume that the Legislature amended the statute with the intent and meaning expressed in the Counsel's digest. People v. Martinez, 194 Cal. App. 3d 15, 22, 239 Cal. Rptr. 272, 276 (1987). By its ordinary meaning, the term "expand" indicates a change in the law, rather than a restatement of existing [\*\*11] law. In light of the Counsel's comment, Eastport's argument is unpersuasive.

#### The current “scope of antitrust” is economic goals based on consumer welfare--- “anticompetitive practices” are practices that reduce market wide output below the competitive level where prices equal marginal cost

Hovenkamp 20 (Herbert J. Hovenkamp, James G. Dinan University Professor, University of Pennsylvania Carey Law School and The Wharton School. He also has an h-index of 64 and is a Fellow of the American Academy of Arts and Sciences. In 2008 won the Justice Department’s John Sherman Award for his lifetime contributions to antitrust law. In 2012 he served on the ABA’s Committee to advise the President-elect on antitrust matters., 7-20-2020 “Antitrust: What Counts as Consumer Welfare?” <https://scholarship.law.upenn.edu/cgi/viewcontent.cgi?article=3196&context=faculty_scholarship>)

The temptation to use antitrust to achieve broader goals is understandable. The broad and brief language of the antitrust laws incorporate an elastic mandate and is directed at the courts. They can become a vehicle for achieving goals through the judicial system that are more difficult to achieve legislatively. By contrast, the consumer welfare principle is a way of limiting the scope of antitrust to a set of economic goals with consumers identified as the principal beneficiaries.

Most descriptions of the consumer welfare principle refer to prices: the goal of the antitrust laws should be to combat monopolistic prices. Articulating the goal in this way raises conceptual problems when we think about suppliers. For example, the antitrust concern with labor is with wage suppression, which means that wages are anticompetitively low. This can collide with a common misperception, which is that low wages invariably produce low consumer prices.

One thing that buyers and sellers have in common, however, is that both are injured by anticompetitive output reductions. Price and output move in opposite directions. While monopoly involves prices that are too high and monopsony (monopoly buying) involves prices that are too low, both require lower output. As a result, when consumer welfare is articulated in terms of output rather than price, it protects both buyers and sellers, including sellers of their labor.

There are other reasons for preferring output rather than price as the primary indicator of consumer welfare. In most markets, firms have more control over output than they do over price. This is most true in competitive markets, although it is less true as markets are more monopolized. A seller in a perfectly competitive market lacks any control over price but usually has full control over output. A corn farmer cannot meaningfully ask “what price should I charge” for this year’s crop. She will charge the market price. While she has the power to charge less, she has no incentive to do so because she can sell all she produces at the market price. The one absolute power she does have, however, is to determine output. The decision whether to plant 1000 acres in corn, 500, 100 acres or even zero is entirely hers and depends only on her capacity to produce.

The consumer welfare principle in antitrust is best understood as pursuing maximum output consistent with sustainable competition. In a competitive market this occurs when prices equal marginal cost. More practically and in real world markets, it tries to define and identify anticompetitive practices as ones that reduce market wide output below the competitive level. Output can go higher than the competitive level, but then at least some prices would have to be below cost. As a result, the definition refers to “sustainable” but competitive levels of output. If output is too high some firms will be losing money and must eventually raise their prices or exit.

Consumer welfare measured as output serves the customer’s interest in low prices and also in markets that produce as wide a variety of goods and services as a competition can offer. It also serves the interest of labor, which is best off when production is highest. Concurrently, it benefits input suppliers and other participants in the market process. For example, if the output of toasters increases, consumers benefit from the lower prices. Labor benefits because more toaster production increases the demand for labor. Retailers, suppliers of electric components, shipping companies, taxing authorities and virtually everyone with a stake in the production of toasters benefits as well.

Antitrust is a microeconomic discipline, concerned with the performance of individual markets rather than the economy as a whole. It is worth noting, however, that a goal of high output in a particular market contributes to a well-functioning overall economy. For example, macroeconomic measures such as GDP are based on the aggregate production of goods and services in the entire economy under consideration. All else being equal, when a particular good or service market experiences larger competitive output the overall economy will benefit as well.8 That issue would almost never be relevant in any particular antitrust case, but it can be important at the legislative or policy level. Increasingly people have observed a link between competition policy – particularly high price-cost margins – and the performance of the economy as a whole.9

What is not included in consumer welfare under the antitrust laws? First, bigness itself is not an antitrust issue unless it leads to reduced output in some market. That is, the consumer welfare principle is consistent with very large firms. It favors economies of scale and scope.10 To be sure, very large firms can injure small firms that have higher costs or lower quality products. The impact of the consumer welfare principle on small firms is complex, however, and requires close analysis of individual cases. While small competitors of a large low cost and high output firm can be injured, many other small firms benefit, including suppliers and retailers. A good illustration is Amazon, which is a very large firm that generally sells at low prices and has maintained high consumer satisfaction.11 Amazon has undoubtedly injured many small firms forced to compete with its prices and distribution. At the same time, however, Amazon acts as broker for millions of small firms who use its retail distribution services.12 When a very large firm produces more, it creates opportunities for other firms that sell complements, that distribute the products that a large firm produces, or that supply it with inputs. So once again it is important not to paint with too broad a brush. Blowing up Amazon could ruin many small businesses.

As for labor and antitrust, that relationship is also complex and has changed over time. During the early years of Sherman Act enforcement organized labor was widely believed to be a source of monopoly. Many of the earliest antitrust criminal prosecutions were directed at labor unions.13 For example, Eugene Debs went to prison in 1895 as a result of a conviction under the Sherman Act.14 Congress came to labor’s rescue during the New Deal, 15 and the result was the development of a complex labor immunity that today reaches even agreements among employers, provided that they are part of the collective bargaining process.16

But years of anti-union activity largely deprived the unions of the economic power and turned the tables. Most of the antitrust concerns about labor today are with anticompetitive practices that suppress wages, not with worker power to extract higher wages.17 Agreements among employers not to hire away one another employees (“anti-poaching” agreements) are unlawful per se.18 Today a fair amount of litigation is directed at overly broad use of labor noncompetition agreements, which are formally vertical but subject to antitrust attack when they are used by many firms in a market to impede worker mobility.19

#### Violation---the plan does not increase the scope of antitrust because it does not increase prohibitions on activity outside of those prohibited under the consumer welfare standard.

#### Voting issue for limits and ground---DA links like business confidence and innovation require broad expansions to have link uniqueness---gives us no ground against affirmatives that target specific companies or make tiny tweaks.

### 1NC---DOJ DA---Democracy

#### **The DOJ is battling gerrymandering but it’s time and resource intensive**

Beitsch, 9-1-2021, Rebecca, "DOJ issues warning to states ahead of redistricting," TheHill, <https://thehill.com/homenews/administration/570385-doj-issues-warning-to-states-ahead-of-redistricting> -- Iowa

The Department of Justice (DOJ) on Wednesday issued a warning to states ahead of a year of congressional mapmaking that it will pursue cases against jurisdictions that seek to dilute the voting power of various minorities.

The latest guidance from the DOJ signals an administration prepared to take a more aggressive approach in battling gerrymandering.

“We're hopeful that this guidance will give jurisdictions the ability to understand their obligations so that they comply with those obligations without any need for additional enforcement by the Department of Justice,” a senior administration official said on a call with reporters.

“But where jurisdictions don't draw maps that fairly enable all citizens, regardless of race or membership in a language minority, to elect the candidates of their choice — the Justice Department will act,” the official said.

The guidance comes as the Census Bureau has completed its decennial population survey, sharing the data states and local governments will use to draw new political boundaries, including congressional and state legislative districts.

This year will be the first round of redistricting since the 2013 Supreme Court decision in Shelby v. Holder, which gutted Section 5 of the Voting Rights Act that gave the DOJ the right to pre-clear maps in states with a history of racial discrimination.

But the department on Wednesday said it would be ready to go after any jurisdiction that doesn’t meet the “one person, one vote” principle.

The guidance sent to government officials Wednesday breaks down the type of cases the department can bring under Section 2 of the law, which prohibits voting practices that discriminate on the basis of race, color or membership in a language minority group.

That includes any redistricting plan that “minimizes or cancels out the voting strength” of various groups — something often achieved by fracturing a minority group across districts or packing them into one district — as well as whether a jurisdiction has a “history of official discrimination.”

The guidance also takes aim at any states that may seek to redistrict based on the number of U.S. citizens in its boundaries, saying the DOJ “will consider whether any efforts to change the apportionment base for a districting plan to a measure other than total population.”

Doing so would diminish the representation of places with a large migrant population and follows a failed effort by the prior Trump administration to include a question on the census that would ask a resident's citizenship status.

Despite the hope from the DOJ that the guidance will help avoid lawsuits, many redistricting maps often spend years in litigation, with lawsuits at times stretching into the next reapportionment cycle.

The official also noted Wednesday that much of the litigation could be spurred by outside groups — including those that may use the 2020 data to challenge existing maps.

The notice to state and local governments also follows a year in which state governments enacted a number of laws that could restrict access to the ballot.

According to a July analysis from the Brennan Center for Justice at New York University School of Law, 18 states have already enacted 30 laws this year that will make it harder for Americans to vote.

Wednesday’s guidance is the third voting-related guidance released by the Biden administration.

In July, the department issued instructions on post-election audits and a flurry of voting laws passed after the 2020 elections, warning states some of their actions may run afoul of the law.

#### Antitrust decks DOJ resources and time

Mcgill and Overly, 19 – Margaret Harding Mcgill and Steven Overly, "Why breaking up Facebook won't be easy," May 27, *POLITICO*, <https://www.politico.com/story/2019/05/27/breaking-up-facebook-antittrust-1446087> -- Iowa

3) Antitrust cases take time and money

The Justice Department’s antitrust lawsuit against AT&T, and its unsuccessful battle to break up Microsoft, were years-long affairs that started under one presidential administration and ended in another. That means whoever wins the White House in 2020 could well be out of office before a potential case against Facebook is decided or settled.

The AT&T case began in 1974 and ended in 1982, after which the government spent another two years implementing an agreement that split up the company into eight smaller entities.

The government spent another decade in the 1990s and early 2000s waging an antitrust war against Microsoft for anti-competitive behavior, arguing that its operating system and internet browser should be separated. But by the time the court approved a settlement in 2002, requiring changes to the company's business practices but leaving Microsoft intact, the penalties did not have much impact, Verveer said.

“Technology will change, business models will change, consumer preferences will change,” he said. “You could end up at the end of a long process with something that frankly doesn't make very much difference because the world has moved on.”

That's one reason some Facebook critics, including former DOJ antitrust official Gene Kimmelman, argue that imposing restrictions on how social media companies use data could be a more effective strategy than breaking them up.

A lengthy lawsuit against Facebook would also consume a lot of resources at the DOJ, which might have to hire outside attorneys and other experts as it did in the Microsoft case. The expense could even require additional appropriations from Congress, Schwartzman said.

“It is a really daunting enterprise,” Schwartzman said. “The likelihood the Justice Department or Federal Trade Commission would be able to undertake such an activity is remote.”

#### **Redistricting shatters democracy in irreversible ways minus DOJ intervention**

Mansbridge et al, 21 – Jane Mansbridge is Professor Emerita of Political Leadership and Democratic Values at Harvard University writing with over 100+ scholars of democracy. “Statement of Concern: The Threats to American Democracy and the Need for National Voting and Election Administration Standards,” <https://www.newamerica.org/political-reform/statements/statement-of-concern/> -- Iowa

We, the undersigned, are scholars of democracy who have watched the recent deterioration of U.S. elections and liberal democracy with growing alarm. Specifically, we have watched with deep concern as Republican-led state legislatures across the country have in recent months proposed or implemented what we consider radical changes to core electoral procedures in response to unproven and intentionally destructive allegations of a stolen election. Collectively, these initiatives are transforming several states into political systems that no longer meet the minimum conditions for free and fair elections. Hence, our entire democracy is now at risk.

When democracy breaks down, it typically takes many years, often decades, to reverse the downward spiral. In the process, violence and corruption typically flourish, and talent and wealth flee to more stable countries, undermining national prosperity. It is not just our venerated institutions and norms that are at risk—it is our future national standing, strength, and ability to compete globally.

Statutory changes in large key electoral battleground states are dangerously politicizing the process of electoral administration, with Republican-controlled legislatures giving themselves the power to override electoral outcomes on unproven allegations should Democrats win more votes. They are seeking to restrict access to the ballot, the most basic principle underlying the right of all adult American citizens to participate in our democracy. They are also putting in place criminal sentences and fines meant to intimidate and scare away poll workers and nonpartisan administrators. State legislatures have advanced initiatives that curtail voting methods now preferred by Democratic-leaning constituencies, such as early voting and mail voting. Republican lawmakers have openly talked about ensuring the “purity” and “quality” of the vote, echoing arguments widely used across the Jim Crow South as reasons for restricting the Black vote.

State legislators supporting these changes have cited the urgency of “electoral integrity” and the need to ensure that elections are secure and free of fraud. But by multiple expert judgments, the 2020 election was extremely secure and free of fraud. The reason that Republican voters have concerns is because many Republican officials, led by former President Donald Trump, have manufactured false claims of fraud, claims that have been repeatedly rejected by courts of law, and which Trump’s own lawyers have acknowledged were mere speculation when they testified about them before judges.

In future elections, these laws politicizing the administration and certification of elections could enable some state legislatures or partisan election officials to do what they failed to do in 2020: reverse the outcome of a free and fair election. Further, these laws could entrench extended minority rule, violating the basic and longstanding democratic principle that parties that get the most votes should win elections.

Democracy rests on certain elemental institutional and normative conditions. Elections must be neutrally and fairly administered. They must be free of manipulation. Every citizen who is qualified must have an equal right to vote, unhindered by obstruction. And when they lose elections, political parties and their candidates and supporters must be willing to accept defeat and acknowledge the legitimacy of the outcome. The refusal of prominent Republicans to accept the outcome of the 2020 election, and the anti-democratic laws adopted (or approaching adoption) in Arizona, Arkansas, Florida, Georgia, Iowa, Montana and Texas—and under serious consideration in other Republican-controlled states—violate these principles. More profoundly, these actions call into question whether the United States will remain a democracy. As scholars of democracy, we condemn these actions in the strongest possible terms as a betrayal of our precious democratic heritage.

The most effective remedy for these anti-democratic laws at the state level is federal action to protect equal access of all citizens to the ballot and to guarantee free and fair elections. Just as it ultimately took federal voting rights law to put an end to state-led voter suppression laws throughout the South, so federal law must once again ensure that American citizens’ voting rights do not depend on which party or faction happens to be dominant in their state legislature, and that votes are cast and counted equally, regardless of the state or jurisdiction in which a citizen happens to live. This is widely recognized as a fundamental principle of electoral integrity in democracies around the world.

A new voting rights law (such as that proposed in the John Lewis Voting Rights Act) is essential but alone is not enough. True electoral integrity demands a comprehensive set of national standards that ensure the sanctity and independence of election administration, guarantee that all voters can freely exercise their right to vote, prevent partisan gerrymandering from giving dominant parties in the states an unfair advantage in the process of drawing congressional districts, and regulate ethics and money in politics

It is always far better for major democracy reforms to be bipartisan, to give change the broadest possible legitimacy. However, in the current hyper-polarized political context such broad bipartisan support is sadly lacking. Elected Republican leaders have had numerous opportunities to repudiate Trump and his “Stop the Steal” crusade, which led to the violent attack on the U.S. Capitol on January 6. Each time, they have sidestepped the truth and enabled the lie to spread.

We urge members of Congress to do whatever is necessary—including suspending the filibuster—in order to pass national voting and election administration standards that both guarantee the vote to all Americans equally, and prevent state legislatures from manipulating the rules in order to manufacture the result they want. Our democracy is fundamentally at stake. History will judge what we do at this moment.

#### Democratic peace halts great power war

Imai and Lo, 21 – Kosuke Imai is Professor of Government and of Statistics at Harvard University. James Lo is Assistant Professor of Political Science at the University of Southern California. “Robustness of Empirical Evidence for the Democratic Peace: A Nonparametric Sensitivity Analysis,” *International Organization* 75, Summer 2021, pp. 901–19, doi:10.1017/S0020818321000126 – Iowa

The proposition that democratic states do not fight interstate wars against each other is one of the most enduring and influential ideas in international relations. The idea is theoretically rooted in the work of Immanuel Kant, who argued that interactions between states with a republican form of government give “a favorable prospect for the desired consequence, i.e., perpetual peace.”1 This has led to a large literature empirically documenting a negative association between democracy and conflict,2 leading one scholar to comment that the democratic peace is “the closest thing we have to an empirical law in the study of international relations.”3

Despite the law-like nature of this association, no scholarly consensus has emerged on whether the observed association reflects a causal relationship or a spurious correlation. According to a recent survey, more than 30 percent of international relations scholars disagree with the democratic peace theory.4 In particular, skeptics have challenged the democratic peace by arguing that alliance structures from the Cold War,5 capitalism,6 and contract-intensive economies7 confound the observed association. These authors find that adding certain confounding variables to regression models eliminates the statistical significance of the estimated coefficient for the joint democracy variable.8

How should we resolve this empirical debate regarding the democratic peace?9 Unfortunately, in the absence of randomized experiments, we can never completely rule out the possible existence of confounding biases that arise from omitted variables. While scholars in this literature have exclusively relied on parametric regression models, this approach requires strong assumptions, namely that the model accurately characterizes the true data-generating process (correct set of variables, right functional form, valid distributional assumption, etc.). Given that these assumptions may not be verifiable from observed data, it is no surprise that various scholars advocate different regression models with diverging sets of variables, resulting in contradictory findings. The difficulty of adjudicating between these alternative modeling approaches has led to the ongoing controversy in the empirical democratic peace literature.

We propose an alternative approach based on nonparametric sensitivity analysis to formally assess the robustness of the empirical evidence.10 Specifically, we quantify the strength of confounding relationships that could explain away the observed association between democracy and peace. That is, we compute the precise level of unobserved confounding needed to render the observed association between democracy and conflict spurious. The idea is that although not all correlations imply causation, a very strong correlation suggests it. Unlike the parametric regression modeling approach prevalent in the literature, the proposed nonparametric sensitivity approach directly addresses the existence of unobserved confounders without assuming a particular regression model.11 Although one can never know with certainty from observational data whether democracy causes peace, this nonparametric sensitivity analysis can formally assess the robustness of empirical evidence for the democratic peace.

Our analysis applies the nonparametric sensitivity analysis method originally developed by Cornfield and colleagues, who were concerned with the robustness of the positive association between cigarette smoking and lung cancer in the potential presence of unobserved confounders.12 The study of the causal relationship between smoking and lung cancer closely parallels the dispute on the democratic peace. In both cases, randomized experiments cannot be conducted for ethical and logistical reasons, and critics contend that the observed association suffers from confounding biases. While no definitive conclusion can be drawn from observational data, Cornfield and colleagues argue that no existing confounder can explain the strong association between smoking and cancer and therefore this relationship is likely to be causal. Their conclusion is worth quoting here:

Cigarette smokers have a ninefold greater risk of developing lung cancer than nonsmokers, while over-two-pack-a-day smokers have at least a 60-fold greater risk. Any characteristic proposed as a measure of the postulated cause common to both smoking status and lung-cancer risk must therefore be at least nine-fold more prevalent among cigarette smokers than among nonsmokers and at least 60-fold more prevalent among two-pack-a-day smokers. No such characteristic has yet been produced despite diligent search.13

Our application of nonparametric sensitivity analysis to the democratic peace yields striking results. Depending on the definition of democracy, we find that a confounder must be at least forty-seven times more prevalent in democratic dyads than in other types of dyads. Thus, any potential confounder that could explain the democratic peace would have to be at least five times as prevalent as a similar confounder for smoking and lung cancer. In other words, according to our analysis, the positive association between democracy and peace is much more robust than that between smoking and lung cancer.

While no such confounder has yet been found for the relationship between smoking and lung cancer, we examine whether the confounders identified in the democratic peace literature meet the conditions of nonparametric sensitivity analysis. For example, we consider a set of economic confounders proposed by Gartzke who argues that the democratic peace can be explained by capitalism.14 We also consider other confounders, such as military alliances.15 Overall, our findings imply that for a potential confounder to explain away the democratic peace, it must be much more strongly associated with regime types and conflicts than the confounders that have been proposed to date. This finding again demonstrates the robustness of empirical evidence for the democratic peace.

### Advantage CP

#### The United States federal government should

#### ---substantially increase its regulation of oil companies, including at least refusing to accept donations from oil companies and refusing to hire former employees of the oil industry

#### ---create and implement a plan to install accessible fiber-optic Internet throughout the United States.

#### ---increase non-antitrust enforcement of regulations on banks.

#### ---undue Trump era America-first policies as specified by the Barfod evidence

#### Public investment solves – their evidence

**Young 17** (Peter Young – Masters of Professional Studies in Urban & Regional Planning received in 2017. <KEN> “Broadband Infrastructure to Enable Smart Cities: Emerging Strategies and Partnership Models,” <https://repository.library.georgetown.edu/bitstream/handle/10822/1044668/Peter%20Young%20Capstone%20Thesis%20Final.pdf?sequence=1&isAllowed=y>)

Unfortunately, many network upgrades advertised by large incumbent telecoms tend to rely on DOCSIS 3.1 to provide faster speeds over old copper wires.68 In order to reach gigabit speeds, consumers need to purchase a special router, and because connections are made over aging infrastructure—it isn’t guaranteed that the speeds will even reach those that are advertised.69 “It feels like a ploy for ISPs to squeeze every last bit of business from soon-to-be obsolete networks,” writes one Gizmodo reporter. It is understandable that profit-driven companies in a free market economy would make such a choice as opposed to the much more expensive proposition of laying down fiber. This also isn’t to say that the network upgrades aren’t a welcome development in the broadband space. However, over the long-term, fiber will be a necessary backbone for any city that wants to leverage ubiquitously connected IoT devices and additional advances in ICT.70 Therefore, municipalities should focus on facilitating a transition toward fiber-optic broadband infrastructure, and shouldn’t rely solely on short-term fixes like those exemplified by DOCIS 3.1.

In addition to laying wired fiber-optic cables, broadband infrastructure planning for the smart city must also consider the facilitation of high-speed wireless networks.71 Both wired and wireless broadband will increasingly support each other, as you cannot realistically run fiber cabling to all of the sensor and monitoring devices across a connected city.72 Therefore, fiber serves the dual purpose of connecting homes, businesses, and government buildings directly, while also serving as a backhaul network for wirelessly connected devices.73 The U.S. Networking and Information Technology Research and Development Program get its right when stating how important it is to explore “new wireless devices, communication techniques, networks, systems, and services to enhance high-speed, software-defined connectivity and leverage the emerging Internet of Things (IoT).”74

### 1NC---States CP

#### The fifty states and relevant territories ought to uniformly and substantially increase prohibitions on the anticompetitive business practice of domestic, private sector financial institutions amassing liabilities greater than five percent of the Federal Deposit Insurance Corporation’s Deposit Insurance Fund.

#### State antitrust enforcement is constitutional and solves.

First 01 (Harry First, Professor of Law, New York University School of Law, “Delivering Remedies: The Role of the States in Antitrust Enforcement,” *George Washington Law Review*, Vol. 69, Issues 5 & 6 (October/December 2001), pp. 1004-1041)

Of course, neither Illinois Brick, nor the parens patriae provision of the 1976 Act for that matter, spoke to the states' jurisdiction to enforce state antitrust law.5 1 State law antitrust enforcement had coexisted with federal enforcement from the time that the Sherman Act was passed and the constitutionality of such state law enforcement had long been accepted.52 Thus, it should not have been surprising that after Illinois Brick a number of states revisited their own state laws and enacted statutes permitting indirect purchaser suits under state antitrust law.53

The constitutionality of state indirect purchaser legislation was presented to the Supreme Court in California v. ARC America Corp., de- cided in 1989.54 Four states filed federal antitrust actions for damages they had suffered from an alleged nationwide conspiracy to fix the price of ce- ment. Because at least some of their damages were indirect, they appended to their federal cause of action state law claims under their indirect purchaser statutes.5 Following a settlement of all federal and state claims, the states sought to participate in the settlement fund.56 On objection from the direct purchasers, the district court denied the states' indirect purchaser claims to the settlement fund, holding that state indirect purchaser laws were pre- empted by virtue of Illinois Brick.5 7 The Supreme Court reversed. 58

Pointing to "the long history of state common-law and statutory reme- dies against monopolies and unfair business practices," the Court stated that it is "plain that this is an area traditionally regulated by the States. '59 Indeed, "Congress intended the federal antitrust laws to supplement, not displace, state antitrust remedies."0 That state law might impose liability beyond what federal law provides does not conflict with any federal policy that the Court identified in prior cases. Writing for a unanimous Court, Justice White stated:

When viewed properly, Illinois Brick was a decision construing the federal antitrust laws, not a decision defining the interrelationship between the federal and state antitrust laws. The congressional pur- poses on which Illinois Brick was based provide no support for a finding that state indirect purchaser statutes are pre-empted by federal law.

The Supreme Court's decision in ARC America capped fifty years of judicial and legislative development of the jurisdiction of state antitrust en- forcers. Under federal law the states can now seek money damages for federal antitrust violations that injure them or their citizens as direct purchasers. Under state law they can claim damages suffered from antitrust violations that harm them or their citizens as indirect purchasers (if state law provides for such recoveries). The states may also be able to use consumer protection or unfair competition statutes to require defendants who engage in anticompetitive conduct that harms consumers either to disgorge their profits or to provide restitution to their victims.62 Like anti-trust indirect purchaser claims, these state claims can either be brought individually in state court or included as supplemental claims to federal antitrust violations.

Beyond seeking damages, state enforcers are likewise able to use either federal or state courts to seek injunctive relief to prevent future violations. This includes the right to seek divestitures in merger cases and the right to seek structural relief in monopolization cases. So well accepted is the exercise of this right that its assertion now goes unchallenged by defendants. 63 And, finally, individual states' antitrust laws may contain criminal provisions or civil penalties, which the states can enforce in state court.64

Indeed, at least as a statutory matter, the jurisdictional tools available to the states exceed those available to the federal antitrust enforcement agencies. The Justice Department can sue for its proprietary injuries, but it al- most never does so,65 and it has not sought to assert a parens patriae right to sue for injury to U.S. citizens (nor could it likely do so in light of the 1976 Hart-Scott-Rodino Act).66 Federal law would also presumably prevent suit for damages to the U.S. government as an indirect purchaser. There are no civil penalties available for violations of the antitrust laws,67 and the disgorgement or restitution remedy has only rarely been invoked (by the Federal Trade Commission) and is of uncertain legality.68

Similarly, when compared to private enforcement, state antitrust enforcers have stronger jurisdictional tools. The main advantage is that although the federal parens patriae claim for damages under the Hart-Scott-Rodino Act has procedural protections similar to those provided under Rule 23 for class members, such actions need not meet Rule 23's requirements, such as commonality of claims or adequacy of representation. 69 These issues are, of course, major problems in antitrust class actions.70 On the injunction side, standing presents no problems for the states when they are seeking to protect either their economy in general, or the interests of their consumers; private litigants, however, may still face hurdles.71 And on the investigative side, the states generally have broad power to use compulsory process to investigate for possible antitrust violations prior to filing a suit (similar to federal investigative power72). Private plaintiffs, of course, lack this ability.

### 1NC---T-Whole Economy

#### “Private sector” means all non-government businesses

Cambridge Dictionary N.D. (Cambridge Dictionary, No Date, Cambridge University Press has been publishing dictionaries for learners of English since 1995, this is the second definition, “private sector,” [https://dictionary.cambridge.org/us/dictionary/english/private-sector)](https://dictionary.cambridge.org/us/dictionary/english/private-sector)1st)

private sector

noun [[ C usually sing ]](https://dictionary.cambridge.org/us/help/codes.html)

US

 /ˈprɑɪ·vɪt ˈsek·tər/

all the [businesses](https://dictionary.cambridge.org/us/dictionary/english/business) that are not [owned](https://dictionary.cambridge.org/us/dictionary/english/own) and [controlled](https://dictionary.cambridge.org/us/dictionary/english/controlled) by the [government](https://dictionary.cambridge.org/us/dictionary/english/government):

#### Violation---the plan regulates specific businesses.

#### That’s a voting issue for limits and ground---allowing specific sectors shrinks neg ground by blasting links to core generics like business confidence and innovation---forces us to go for sketchy counterplans every round, which makes debates stale and decreases the quality of clash.

### 1NC---Expand Scope PIC

#### The United States federal government should prohibit domestic, private sector financial institutions amassing liabilities greater than five percent of the Federal Deposit Insurance Corporation’s Deposit Insurance Fund as a violation within the scope of anticompetitive entrenchment.

#### Entrenchment injunctions via old antitrust solve without expanding the scope

Sullivan, 20 – Sean P., Associate Professor of Law, University of Iowa College of Law. “Anticompetitive Entrenchment,” *68 U. Kan. L. Rev. 1133*, p. Nexis – Iowa

What is beyond debate, however, is that all these reforms entail major changes for antitrust policy. That's basically the point. But before we overhaul a competition framework that has been decades in the making, we might first ask whether anything in the existing framework already provides a way of addressing the concentration and market power concerns at issue in the current reform movement. Indeed, this paper suggests that antitrust may today stand ready to address at least some of these concerns through its currently overlooked ability to intervene in mergers and acquisitions that serve to entrench market power in problematic markets. A brief digression on antitrust history will help explain what I mean.

In contrast to modern antitrust's almost exclusive focus on preventing accretions of market power, U.S. competition policy was, in the not too distant past, also willing to work in the reverse direction: using antitrust law--merger policy, in particular--to remedy ailing markets and facilitate [\*1136] competition where it was seen to be lacking. 18 In short, the strategy was to prevent the entrenchment of already-existing concentration and market power by taking an especially restrictive position on mergers in already problematic markets. This approach featured prominently in important merger cases of the 1960s and 70s but fell out of fashion during the evolution of the modern antitrust framework. 19 This article considers how it might be brought back, exploring how renewed opposition to anticompetitive entrenchment could address concentration and market power concerns without requiring massive changes to current antitrust policy.

To summarize the argument, where careful analysis suggests that a relevant market is highly concentrated, and that competitive performance is diminished as a result, it is within the scope of existing merger law to foreclose mergers and acquisitions in this market even without specific proof that something like price elevation would result therefrom. The normative basis for such an injunction is not the usual claim that the merger or acquisition would make things worse in the relevant market. Rather, the basis for injunction is concern with current competitive conditions, and a corresponding public interest in preserving opportunities for the grind of competitive frictions to make things better in the future. 20 The concern is, in a nutshell, about the entrenchment of an already anticompetitive status quo.

What I propose as a renewed theory of anticompetitive entrenchment traces to seminal cases in merger law and shares features with modern modes of antitrust analysis. It relates to the antitrust analysis of potential competition cases, but is distinct from and less controversial than potential competition doctrine. 21 It relates to concerns about the exercise of monopoly power, but is more focused, effective, and administrable than other statutory bases for addressing these concerns. 22 It relates to forward-looking prediction of competitive effects in modern merger analysis, but requires less specificity in the prediction of future competition where competitive conditions are already bad. 23Finally, it relates to what [\*1137] Herbert Hovenkamp has referred to as "prophylactic" merger policy, suggesting an important extension of the prophylactic potential of merger control. 24 It is a powerful tool in need of careful application, but it is not a new approach to antitrust. Rather, it is "old antitrust," updated to fit the modern framework and to address the concerns of the present day.

## Advantage 1

### 1NC

#### Economic crises don’t cause war – they solve it

Christopher Clary 15, Ph.D. in Political Science from MIT, Postdoctoral Fellow, Watson Institute for International Studies, Brown University, “Economic Stress and International Cooperation: Evidence from International Rivalries,” April 22, 2015, http://papers.ssrn.com/sol3/papers.cfm?abstract\_id=2597712

Do economic downturns generate pressure for diversionary conflict? Or might downturns encourage austerity and economizing behavior in foreign policy? This paper provides new evidence that economic stress is associated with conciliatory policies between strategic rivals. For states that view each other as military threats, the biggest step possible toward bilateral cooperation is to terminate the rivalry by taking political steps to manage the competition. Drawing on data from 109 distinct rival dyads since 1950, 67 of which terminated, the evidence suggests rivalries were approximately twice as likely to terminate during economic downturns than they were during periods of economic normalcy. This is true controlling for all of the main alternative explanations for peaceful relations between foes (democratic status, nuclear weapons possession, capability imbalance, common enemies, and international systemic changes), as well as many other possible confounding variables. This research questions existing theories claiming that economic downturns are associated with diversionary war, and instead argues that in certain circumstances peace may result from economic troubles.

Defining and Measuring Rivalry and Rivalry Termination

I define a rivalry as the perception by national elites of two states that the other state possesses conflicting interests and presents a military threat of sufficient severity that future military conflict is likely. Rivalry termination is the transition from a state of rivalry to one where conflicts of interest are not viewed as being so severe as to provoke interstate conflict and/or where a mutual recognition of the imbalance in military capabilities makes conflict-causing bargaining failures unlikely. In other words, rivalries terminate when the elites assess that the risks of military conflict between rivals has been reduced dramatically.

This definition draws on a growing quantitative literature most closely associated with the research programs of William Thompson, J. Joseph Hewitt, and James P. Klein, Gary Goertz, and Paul F. Diehl.1 My definition conforms to that of William Thompson. In work with Karen Rasler, they define rivalries as situations in which “[b]oth actors view each other as a significant political-military threat and, therefore, an enemy.”2 In other work, Thompson writing with Michael Colaresi, explains further:

The presumption is that decisionmakers explicitly identify who they think are their foreign enemies. They orient their military preparations and foreign policies toward meeting their threats. They assure their constituents that they will not let their adversaries take advantage. Usually, these activities are done in public. Hence, we should be able to follow the explicit cues in decisionmaker utterances and writings, as well as in the descriptive political histories written about the foreign policies of specific countries.3

Drawing from available records and histories, Thompson and David Dreyer have generated a universe of strategic rivalries from 1494 to 2010 that serves as the basis for this project’s empirical analysis.4 This project measures rivalry termination as occurring on the last year that Thompson and Dreyer record the existence of a rivalry.5

Why Might Economic Crisis Cause Rivalry Termination?

Economic crises lead to conciliatory behavior through five primary channels. (1) Economic crises lead to austerity pressures, which in turn incent leaders to search for ways to cut defense expenditures. (2) Economic crises also encourage strategic reassessment, so that leaders can argue to their peers and their publics that defense spending can be arrested without endangering the state. This can lead to threat deflation, where elites attempt to downplay the seriousness of the threat posed by a former rival. (3) If a state faces multiple threats, economic crises provoke elites to consider threat prioritization, a process that is postponed during periods of economic normalcy. (4) Economic crises increase the political and economic benefit from international economic cooperation. Leaders seek foreign aid, enhanced trade, and increased investment from abroad during periods of economic trouble. This search is made easier if tensions are reduced with historic rivals. (5) Finally, during crises, elites are more prone to select leaders who are perceived as capable of resolving economic difficulties, permitting the emergence of leaders who hold heterodox foreign policy views. Collectively, these mechanisms make it much more likely that a leader will prefer conciliatory policies compared to during periods of economic normalcy. This section reviews this causal logic in greater detail, while also providing historical examples that these mechanisms recur in practice.

#### Growth is unsustainable – Jevon’s paradox, biophysical requirements, land use, lack of decoupling, and lack of sequestration.

Kallis et al. 18 (Giorgos Kallis, ICREA Research Professor at Universitat Autònoma de Barcelona, environmental scientist working on ecological economics and political ecology, was a Marie Curie International Fellow at the Energy and Resources Group of the University of California at Berkeley, PhD in Environmental Policy and Planning from the University of the Aegean in Greece, et al., 5/22/18, https://www.researchgate.net/profile/Matthias\_Schmelzer/publication/325492725\_Research\_on\_Degrowth/links/5b75788892851ca65064864e/Research-on-Degrowth.pdf, “Research On Degrowth,” Annual Review of Environment and Resources, Vol. 43, pp. 296-298)//ICH-EC

3. ECOLOGICAL ECONOMICS: THE LIMITS OF GREEN GROWTH Although driven by political, institutional, and discursive processes, growth is also biophysical. The economic process converts energy, resources, and matter to goods, services, and waste (34). In theory, it seems possible to decouple material throughput from economic output by improving the resource efficiency of production. Ecological economists, however, argue that in practice absolute decoupling is unlikely, even though relative decoupling is common (34). Efficiency should not be confused with scale (35): The more efficiently we use resources, the lower they cost, and the more of them we end up using (36). This is, in essence, growth. Just as increases in labor productivity lead to growth and new jobs, not to less employment, increases in resource productivity increase output and resource use (37). Capitalist economies grow by using more resources and more people, more intensively. Accelerating this is unlikely to spare resources. Growth can become “cleaner” or “greener” by substituting, for example, fossil fuels with solar power, or scarce, environmentally intensive metals with more abundant and less intensive metals. But new substitutes have resource requirements, and life-cycle impacts that cross space and time. Energy is a vital source of useful work (38); growth has been possible because fossil fuels did things human labor alone could not do. Ending the use of fossil fuels is likely to reduce labor productivity and limit output (34). Solar and wind power are constrained only by their rate of flow, but unlike fossil fuels, they are diffuse—more like rain than a lake (3). To collect and concentrate a diffuse flow of energy, more energy is necessary and more land is required. The EROIs (energy returns on energy investment) of renewable energies are between 10:1 and 20:1, compared to more than 50:1 for earlier deposits of oil and coal (39). An economy powered by a diffuse energy flow is then likely to be an economy of lower net energy and lower output than one powered by concentrated stocks (3). Land use for solar or wind also competes with the use of land for food production, and rare materials are necessary for infrastructures and batteries that store their intermittent flows, with significant environmental effects. Historical data corroborate ecological economic theory (40). Ayres & Warr (38) find that the use of net energy after conversion losses explains a big portion of the United States’ total factor productivity and economic growth. At the global level, GDP and material use have increased approximately 1:1. Carbon emissions have increased somewhat slower than GDP, but still have increased (34). This is unlikely to be a coincidence. Exceptions may exist, but cross-panel data analysis shows that overall, 1% growth of a national economy is associated with 0.6% to 0.8% increase in its carbon emissions (41) and 0.8% growth in its resource use (42). Global resource use follows currently the “collapse by 2050” scenario foreseen in the “Limits to Growth” 1971 report (43–45). Domestic material use in some developed OECD economies has reached a plateau, but this is because of globalization and trade. If we take into account imported goods, then the material requirements of products and services consumed in OECD countries have grown hand in hand with GDP, with no decoupling (46). For water use, the effects of growth overwhelm any realistic savings from technologies and efficiency (47); water footprints have increased even in regions such as California where water withdrawals were stabilized (40). Carbon emissions in some EU (European Union) countries have been declining, even after trade is taken into account, suggesting some substitution of fossil fuels by cleaner energies. [Although recession also played a role (34).] These **declines are nowhere near the 8–10%,** year-afteryear **reductions** in carbon emissions **required for developed nations under scenarios compatible with a 50% chance of limiting warming to 2◦C** (48). Further reductions will be harder to sustain once one-off substitutions of oil or coal with natural gas are exhausted (34). Resource use or carbon emissions are a product of the scale of the economy (GDP) times its resource or carbon intensity (kg/GDP or kgCO2/GDP). With 1.5% annual increase in global income per capita, carbon intensity has to decline 4.4% each year for staying within 2◦C; with 0% growth, carbon intensity has to fall 2.9% each year (49). In the period 1970–2013, the average annual reduction rate for carbon intensity was less than 1.5%—and this gets harder to sustain as the share of carbon-intensive economies in global output increases (49). As Jackson (50) showed in his seminal work, it is practically impossible to envisage viable climate mitigation scenarios that involve growth. This calls for research on managing, or prospering, without growth (50, 51). Some scenarios deem possible meeting climate targets while sustaining growth, but these generally assume after 2050 some sort of “negative emissions technology,” geo-engineering or otherwise. According to a recent Nature editorial, these technologies remain currently “magical thinking” (52). Clean energy investments can stimulate the economy in the short run, but in the long run growth may be limited by their low EROIs. Studies suggest that economic growth requires a minimum EROI of close to 11:1 (53). Less EROI means less labor productivity, and hence less growth. Indeed, “Limits to Growth” scenarios do not predict growth ending when resources are exhausted but, rather, when the quality of resources declines to such an extent that further extraction diverts more and more investment away from productive industry (44). Degrowth is defined by ecological economists as an equitable downscaling of throughput, with a concomitant securing of wellbeing. If there is a fundamental coupling of economic activity and resource use, as ecological economics suggests there is, then serious environmental or climate policies will slow down the economy. Vice versa, a slower economy will use less resources and emit less carbon (40). This is not the same as saying that the degrowth goal is to reduce GDP (54); slowing down the economy is not an end but a likely outcome in a transition toward equitable wellbeing and environmental sustainability. Advancing a position of “a-growth,” van den Bergh (54) proposes ignoring GDP and implementing a global carbon price, indifferent to what its effect on growth turns out to be. Ignoring GDP is a normative position—but at the end, the economy will either grow or not, and if it does not, then there should be plans for managing without growth. Given how entrenched GDP growth is in existing institutional and political structures, a-growth approaches must be advanced as part of broader systemic change (55). Is it possible to secure a decent standard of living for all while throughput and output degrow? Substantive evidence indicates that prosperity does not depend on high levels of production and consumption. Kubiszewski et al. (56) find that the Genuine Progress Indicator, an indicator that includes environmental and social costs alongside output, peaked in 1978, despite subsequent global growth. A similar indicator, the Index of Sustainable Economic Welfare, has stayed at the same levels in the United States since 1950, despite a threefold growth of GDP (57). Wealthier countries on average have higher levels of life expectancy and education than poorer ones, but above a certain level of GDP, income does not make a difference in wellbeing—equality does. Satisfactory levels of wellbeing are achieved by countries such as Vietnam or Costa Rica at a fraction (one-third or less) of the output, energy, or resource use of countries such as the United States. Even the lower levels of resource use of mid-income countries, however, would not be sustainable if they were to be generalized to the planet as a whole. No country currently satisfies social wellbeing standards while staying within its share of planetary boundaries, suggesting that radical changes in provisioning systems are necessary (58). Wealthier people within a country are on average happier than others, but in the long run, overall happiness does not increase as a country’s income rises (59). Nuances of this incomehappiness paradox depend on the sample of countries included and how one defines and asks about happiness. Within societies, individuals with higher incomes evaluate their lives as better than others, but do not enjoy better emotional wellbeing (60). Income determines social rank, and rank affects individuals’ assessments of their lives. Growth does not change relative rank or relative access to positional goods (those signifying position) but it does inflate expectations and prices of material goods, increasing frustration (61). Relative comparisons matter for personal wellbeing in low-income and high-income countries; for both, the more equally income is distributed, the happier people are (62). Pro-environmental behaviors and sharing are also strongly associated with personal wellbeing (63). This suggests that an economic contraction may not impact wellbeing negatively if accompanied by redistribution, sharing, and value shifts (34). There is no political constituency currently demanding degrowth, but a survey of 1,008 people in Spain finds that one-third prefers ignoring or stopping growth altogether (64). Even so, the majority, including those in this one-third, want growth rates in the order of 3% or higher (64). This may not be as paradoxical as it first seems: One may be aware that continued growth is impossible or catastrophic but also sense that capitalist societies need growth to avoid collapse. The stability of current economies does depend on growth—growth is necessary to avoid unemployment, reduce debt, and fund public services. Recent economic research, however, shows that this is not necessarily so—under certain conditions, economies may function well without growth. We now turn to this research.

#### Growth destroys every planetary support system – extinction

Phys, 16—citing a study by Roberto Cazzolla Gatti, associate professor in ecology and biodiversity at Tomsk State University (“Western lifestyle spells the end of biodiversity,” <https://phys.org/news/2016-04-western-lifestyle-biodiversity.html>, dml)

Contrary to what many economists suggest, development is not always good for nature, a biologist at Tomsk State University argues. It is broadly accepted that biodiversity and the ecosystem are both fundamental to sustaining humanity and life on Earth, but in recent centuries, they have been subject to heavy pressures due to overexploitation. Environmental protection is also raising concerns because of our improved understanding of the interconnections between human wellness and ecosystem health. "The problem is that, even if the will to follow a sustainable lifestyle in Western countries is increasing, many developing countries are experiencing economic growth, which threatens to subject their environments to overexploitation," writes Roberto Cazzolla Gatti, associate professor in ecology and biodiversity at Tomsk State University in "Trends in human development and environmental protection," a paper published in the International Journal of Environmental Studies. This could be a catastrophe for the planet. This study compares the trends seen in the Living Planet Index (LPI) and the Human Development Index (HDI) and applies an economic-ecologic historical analysis. The TSU ecologist suggests that societies follow common development patterns as they move from an indigenous lifestyle to an undeveloped society before entering a transitional phase as they move toward a developed state. As they go through this process, each society exploits local, regional and sometimes global natural resources to nourish its economic growth. "Today, we can see that higher-latitude countries populated by 2 billion people consume their entire environmental capital in one year, while lower-latitude countries that are home to more than 5 billion people are depleting resources at a growing rate that will in a few years catch up with Western levels," Cazzolla Gatti says. "If developing countries do not implement strategies to skip this 'intermediate' stage of natural resource overuse during the intense growth phase, the Earth's systems will not be able to support the global biodiversity and ecosystems that sustain humanity. The planet is facing a series of challenges that could lead to a significant loss of ecosystem integrity. These challenges are caused by human demand, natural resource and space use. The recent agreement signed at the United Nations climate summit in Paris (December 2015) has been hailed as historic, ground-breaking and unprecedented. However, the targets it sets seem so ambitious that many climate analysts do not believe they will have any impact on the current climatic situation. This agreement aims to limit temperature increases to a level below 2° C, above pre-industrial levels, and recognizes that avoiding 1.5° C of warming "would significantly reduce the risks and impacts of climate change." Unfortunately, participating countries' emissions reduction commitments are not sufficient to achieve these targets and it seems impossible to avoid the 1.5°C limit without development of "negative emissions," such as absorbing carbon dioxide out of the air using technologies that are still at worst unavailable and at best ineffective. "In addition to climate change, the major cause of the reduction in biodiversity we have seen in recent times is the associated rates of habitat destruction and degradation. Over half of the estimated original extent of temperate broadleaf forests had already been converted to agriculture, forest plantations and urban areas by 1950," Cazzolla Gatti writes. "In contrast, deforestation and land-use change accelerated in the tropics after 1950. Freshwater ecosystem exploitation has moved well beyond levels that can be sustained, even at current demand. Moreover, forecasts suggest that demand for water will continue to rise globally. Add to this the impact of the increasing global demand for palm oil products, which continues to be a key factor behind the recent dramatic decline in forest cover in Southeast Asia," Gatti says. "Data suggests that two orangutan species have already undergone a tenfold decrease in population size over the 20th century and many populations are now at very low numbers. Looking at the marine environment, the high demand for fish and fish products combined with overcapacity in the global fishing fleet and inefficient fishing techniques have led to massive overfishing." This alarming study suggests that societies seem to follow common development patterns and few countries are currently living sustainably, with the majority overexploiting natural resources and ecosystems. This is fundamentally unsustainable and there is no end in sight. Moving away from this will be anything but painless. In coming years, 5 to 7 billion people will follow the global patterns described in this study, and ecosystems and biodiversity will continue to be subjected to a high level of stress with no assurance of resilience.

#### Decline causes transition – changes entrenched models of growth and empowers calls for degrowth

Derk Loorbach 16, director of DRIFT and Professor of Socio-economic Transitions at the Faculty of Social Science, both at Erasmus University Rotterdam, “The economic crisis as a game changer? Exploring the role of social construction in sustainability transitions,” *Ecology and Society*, Volume 21, Issue 4, 2016, http://www.ecologyandsociety.org/vol21/iss4/art15/

Meanwhile, many political and public debates seem to be primarily concerned with standard, relatively short-term, economic issues, such as monetary losses, stop-and-start economic growth, increasing unemployment, falling real estate prices, failing banks, virtually bankrupt nations, and how to get back on course to economic growth. The standard responses when national governments are struggling to get their economies healthy again are mostly about inducing more money, austerity measures, and introducing financial regulations, all often part of a broader financial–economic logic (Stiglitz 2010). The dominant focus on fighting economic deficits and problems at the expense of investing in social and ecological deficits—thereby failing to address persistent problems in these areas—can be argued to be a short-term strategy to prop up an inherently unmanageable system. Examples are the support of system banks with public money and the green growth strategy (OECD 2009, 2013a). Transition theory (Grin et al. 2010, Markard et al. 2012) suggests that such short-term fixes are typical regime-based strategies to sustain existing structures, cultures, and practices, and to fend off the threats of more radical systemic change.The transition perspective suggests that most regular policy and governance strategies essentially reproduce existing systems and, by definition, do not address the root causes of problems that are embedded in the same structures and cultures that determine how solutions are framed and implemented. Such path-dependent development optimizing existing institutional structures will inevitably lead to recurring crises and ultimately a more disruptive, shock-wise structural change of an incumbent regime. Transition studies thus argue that solutions that address symptoms rather than the underlying structural causes tend to reinforce a lock-in and result in further emergent problems (Rotmans and Loorbach 2010, Schuitmaker 2012). We argue that the underlying causes and mechanisms of the economic crises have not been thoroughly analyzed, let alone addressed through effective policies. In a globalized economy, fundamental changes will not likely come from actions by (national) governments or incumbent businesses, as these are inherently intertwined with and dependent upon the currently still dominant financial–economic systems and their governance. The need for alternative economic approaches, discourses, and systems is increasingly emphasized (Schor 2010, Simms 2013, Jackson 2013, van den Bergh 2013, Schor and Thompson, 2014). Even though the benefits of liberalization are still significant, it seems that the transfer of control from government to markets has substantially diminished possibilities for top-down policy making, adding to brittleness, complexity, and lock-in (Loorbach and Lijnis-Huffenreuter 2013).In this paper, we take a transition perspective on transformative social innovation to conceptualize and map the systemic dynamics that have caused the economic crisis, as well as how it influences the dynamics of social transformation. We explore how the economic crisis might be considered as a phase in a broader economic transition and which types of changes coincide to develop into this direction. We thus view the economic crisis not as a phenomenon in isolation within a relatively short time frame, but as an intrinsic part, or perhaps a symptom, of deeper underlying structural societal changes over the longer term. The question we seek to address is how the economic crisis interacts with broader societal changes as well as which dynamics might accelerate or hamper more structural (sustainability) transitions. To this end, we ask when and how a macrolevel or landscape development like the economic crisis fundamentally changes the dominant logic, rules, and conditions of incumbent regimes. In other words, when does a macrodevelopment become a game changer (cf. Avelino et al. 2014)?The paper builds upon theoretical work from the European FP7 project TRANSIT, which draws on transition theory to develop an empirically grounded theory on transformative social innovation. In this paper, we introduce the analytical perspective that we developed on transformative social innovation and two empirical examples. Although our analytical perspective suggests that alternatives and breakthroughs can come from any sector or actor, in this paper, we focus on the agency of social innovation and civil-society-led initiatives in providing and producing alternatives. The paper was developed through a number of iterations, workshops, and theoretical synthesizing. To develop our arguments, we build upon insights from sustainability transitions literature (Grin et al. 2010, Markard et al. 2012), social innovation research (Mulgan 2006, Murray et al. 2010, Franz et al. 2012, Westley 2013, Moulaert et al. 2013) and other fields aiming to understand the economic crisis. In addition, we include two empirical cases, transnational networks of social innovation, time banks, and the transition movement. For both cases, we draw upon a general literature review.The paper is structured as follows. In the next section, “Economic change or transition?,” we introduce the economic crisis as a multifarious phenomenon, how we understand it from a transition perspective, and how it is understood from an economist’s point of view. We illustrate that it is an ambiguous phenomenon that is simultaneously seen as part of regular changes in that it is part of disruptive or transformative change. In the section “Making sense of the economic crisis?,” we present a number of alternative perspectives on the economic crisis that put forward particular fundamental and systemic causes of the economic crisis and how these are translated in so called “narratives of change.” In “Transformative social innovations,” we highlight two specific social innovation initiatives, time banks and transition towns, which have an evident transformative claim and potential, and reflect upon how such transformative social innovations relate (themselves) to the economic crisis. In “Reconceptualizing societal transformations and the role of the economic crisis,” we synthesize our findings and argue that the concepts of game changers and narratives could help to unpack the landscape and better understand how macro- and microlevels interact to trigger transformative changes at the mesolevel. In conclusion, we address the need for a better understanding of the transformative impacts of the different shades of change (in coevolution) vis-é-vis the restorative dynamics associated with incumbent regimes.ECONOMIC CHANGE OR TRANSITION?The economic crisis has an empirical basis in factual events and economic statistics, but is also a social construct. In a narrow sense, the term economic crisis refers to the worldwide recession of 2007–2008, which changed economic circumstances and investors’ outlooks and caused governments to nationalize and/or invest in failing banks and to stimulate the economy inter alia through bail outs, expansion of the money supply (quantitative easing), and low interest rates. It changed the lives of many whose employment or work conditions were drastically affected (Melike 2014). It also made many observers much more critical about capitalism and the stability of markets, especially financial markets (Murphy 2011, Stephan and Weaver 2011, Rifkin 2014, Weaver 2014). In Europe, the economic crisis was accompanied by (perceptions of) a debt crisis, a banking crisis, and a euro crisis, all interrelated. The financial crisis, debt crisis, bank crisis, neo-liberal crisis, and global financial collapse are not just different names but also refer to different, albeit closely related, empirical phenomena. Importantly, the perception and representation of such phenomena in crisis terms can give scope for motivating and/or justifying responses.This economic crisis has led to measures and dynamics with profound impacts on society. Impacts that hardly could have been predicted or anticipated proactively in an objective and neutral way. As most of the formal and institutional measures originate from either governmental or financial institutes, it is to be expected that these favor nondisruptive and reinforcing measures that shift the cost of recovery toward society and strengthen even more the potential for financial–economic growth. The resulting austerity measures and state budget cuts put pressure on public sector employment, transfer payments, and social welfare systems, contributing to rising unemployment and underemployment among young and old, and lower disposable incomes for many in society. The state investments in the recovery of the banking system as well as budget cuts in welfare, health care, and education have been put forward as necessary to restabilize the economy and return to economic growth as before. Although the economy now seems on a path to recovery, many of the social and ecological tensions and challenges still persist.From a countermovement perspective, the dominant measures have mainly strengthened incumbent regimes and even made more apparent the need for structural change. This becomes apparent by a growing dissatisfaction with capitalism, a lack of trust in financial institutions, and an increasing pressure on democratic political institutions (Castells 2010, Murphy 2011, Rifkin 2014, Weaver 2014). These in turn focus attention on the meaning and quality of life, which can intensify individuals’ desires to live in a more responsible and meaningful way as citizens, workers, and consumers, which again are accompanied by an increasing attention to social value creation (based on the attention to these issues in magazines and business literature) (see O’Riordan 2013).Over 70 years ago, Polanyi (1944) described countermovements as critical responses to the rise of liberal market economies in the interwar period. Polanyi argued that countermovements tend to include both progressive and regressive forces, and he related the rise of fascism as part of a double countermovement in reaction to the rise of liberal market economy (Worth 2013). Similarly, contemporary counternarratives do not only include progressive sustainability-oriented ideas, but also more regressive ideas as manifested in populist and/or extremist political parties. Moreover, counternarratives and grassroots movements are also not always easily discernible from mainstream discourses. Although discourses on, e.g., solidarity economy can be constructed as counternarratives, they have considerable overlaps with mainstream policy discourses on the “Big Society” (UK) and “the participation society” (The Netherlands). When comparing discourses on the circular economy and the sharing economy, one can find differences in the former being partly associated with a corporate movement (see, e.g., McKinsey and the Ellen McArthur Foundation) the latter being more associated with grassroots social movements (e.g., Peerby). Different discourses are intermingled, changing over time, forming double movements (Polanyi 1944), or rather multilayered narratives of change.We use here narratives of change as an accessible and short summary of discourses on change and innovation (Avelino et al. 2014). Social (counter)movements, such as the environmental movement or the antiglobalization movement, can be experienced as counternarratives of change. These social movements “struggle against pre-existing cultural and institutional narratives and the structures of meaning and power they convey” (Davies 2002:25). They achieve this partly through counternarratives, which “modify existing beliefs and symbols and their resonance comes from their appeal to values and expectations that people already hold” (Davies 2002:25). This challenges us to expand beyond the hegemonic mainstream narrative on, e.g., the economic crisis, by including a discussion of counternarratives around the new economy.Thus, we see a double device of addressing the economic crisis through measures to prevent the breakdown and restabilization of the existing system, and the rise of counternarratives and movements that find legitimacy in exactly these processes and measures. From antiglobalization or Occupy movements, we can discern a loss of trust in the dominant economic model of the growth society and its associated livelihood model where most material needs are satisfied through impersonal market exchange. The formalized and impersonal market exchange is questioned, resulting in concepts such as sharing, reciprocity, generalized exchange, or restricted exchange (see Befu 1977, Peebles 2010 for an overview). Although the mainstream discourse is still about how to regain adequate rates of economic growth, an underlying longer-sighted discourse (i.e., counternarrative) is emerging about alternatives for this growth model. This includes (longstanding and more recent) ideas on degrowth (Schumacher 1973, Fournier 2008), green growth (OECD 2009, 2013a), or postgrowth (Jackson 2009). These (counter)narratives also question the market logic that constructs human beings as well as nature as resources and commodities in the production of goods (Freudenburg et al. 1995).

#### The EU isn’t key to stop conflict.

Bill Wirtz 17, Young Voices Advocate and a FEE Eugene S. Thorpe Fellow. His work has been featured in several outlets,, 4-7-2017, "Has the European Union Maintained Peace in Europe?," FEE, <https://fee.org/articles/has-the-european-union-maintained-peace-in-europe/>

The Continent and the EU Are Not the Same The post-WWII period is not an exception to the warlust of the European continent. While the case can be made that the Schuman plan has lowered the tensions in Western Europe, the rest of the continent has seen a total number of 41 armed conflicts. Most of these conflicts either were restricted to a small area or occurred within a single state: for instance, the Greek Civil War, the Romanian Revolution, the Border campaign of the IRA in Ireland, the Albanian Civil War, the Years of Lead in Italy, and the Basque conflict between the ETA and Spain. Other conflicts were linked to the resistance to the Soviet Union, including the Hungarian Revolution, the 1956 Poznań protests in Poland, and the 1953 Uprising in East Germany. Lastly, there were also actual interstate military conflicts, amongst which were the Ten-Day War between Slovenia and Yugoslavia, the Turkish invasion of Cyprus, the Transnistrian War, the Cod Wars between Iceland and forces of the UK, Belgium, and West Germany, the Kosovo War, and the war in Bosnia. The organization called the European Union and the continent of Europe (which all so often is willfully mistaken) have different track records when it comes to keeping their war machinery locked away. Pax Europaea Is Not Unprecedented While there might be peace in Europe, that does not mean European countries are not at war. If we accept that Pax Europaea is a period of peace so relative that over 40 armed conflicts are apparently irrelevant, then there are other examples in European history we can bring up as well. The most notable example is Pax Romana: a period of over 200 years of peace imposed by the Roman Empire, which reached from the Iberian peninsula all the way to Syria. One might suggest that the Romans only maintained this peace through a policy of aggressive expansion and military superiority that disregarded regional autonomy, let alone the fact that the Romans weren't exactly known for their embrace of the ideas of liberty. And yet, if the argument is that it is only peace that matters, then Pax Romana should be the model to strive towards. There's also Pax Britannica: a 100 year period of "relative" peace from 1814 to 1914 which was achieved by the British victory against Napoleon and the continuous fighting off of Russian forces in the Balkans. Apart from the French invasion of Spain in 1823 and a few proxy wars and conflicts in Portugal, Spain, and Belgium, the big power of Western Europe had common interests not in engaging in direct warfare, but in outsourcing it. As soon as some countries (notably Germany and Austria-Hungary) believed they could gain a comparative advantage through war, Europe had kicked off what was first the Great War and later become the First World War. Peace in Europe, War Abroad Finally, let’s add one more factor: while there might be peace in Europe (some parts of it), that does not mean European countries are not at war. In fact, many EU-members have been involved in a series of interventions abroad, including the Korean War (involving numerous EU countries), the Algerian War (involving France), the Ifni War (involving France and Spain), the Portuguese colonial wars, the Falklands War (involving the UK), the War in Iraq (involving the UK), the War in Afghanistan (involving numerous EU countries), the military interventions in Iraq and Syria in the fight against ISIS, the military intervention in Libya, and Operation Barkhane in Mali (mostly involving France). If anything, Western Europe has exported its war efforts abroad while tapping itself on the back for how peaceful their own region has been. In Conclusion The answer to ”Has the European Union Maintained Peace in Europe?” is, objectively, “No.” What is true is that Europe has maintained relative peace since 1945 by providing incentives for countries to peacefully cooperate. The political union that is the EU has only existed since 1993 and is not necessary for the existence of treaties fostering trade relations. Additionally, the EU cannot claim to be a force for stability in the world because its members are either constantly involved in military conflicts abroad, or practicing a US-like foreign policy of interventionism that is supposed to defend "European interests and values.”

#### Alt-causes to EU collapse – populism, economic, Brexit, foreign relations

Kimmage 18 – professor in the Department of History at the Catholic University of America – (Michael, 1-8-2018, "What Happened to the European Union?," New Republic, <https://newrepublic.com/article/146524/happened-european-union> )//SNN

TTIP fell on dark days with Donald Trump’s election in 2016. (Unlike the Trans-Pacific Partnership, TTIP has not yet been formally unwound by the Trump administration.) The EU had been traumatized only a few months before by Britain’s decision to leave the union. These events are at the center of Drozdiak’s anatomy of fracture. Europe has found itself with serious internal woes: In the South there has unfolded “the worst crisis of youth unemployment in the postwar history of Europe”; in Central Europe, “a new brand of nationalism” has emerged, arrayed against Brussels in Central Europe; and Chancellor Merkel’s decision to welcome hundreds of thousands of migrants into Germany and therefore into the EU has caused widespread discontent.

Europe’s foreign-policy problems are, if anything, more severe. “Today, Europe’s neighborhood policy stands in ruins,” Drozdiak points out, with Russia a hostile and revisionist power, Turkey a semi-dictatorship, and zones of chaos and war to Europe’s south and east. Just as the threats are proliferating, Europe is losing the guarantee of unequivocal American support. President Trump openly admires Putin and Erdogan, while his interactions with Theresa May and Angela Merkel have been awkward and strained. With its withdrawal from the Paris climate accords, its uncertain commitment to NATO’s obligation to mutual defense and its discontents with the Iran nuclear deal, Trump’s Washington has been a shaky sponsor of the liberal international order. After Trump’s election, Joschka Fischer, Germany’s former Foreign Minister, declared that “the Western world as virtually everyone alive today has known it will almost certainly perish before our eyes.” He may not be wrong.

Drozdiak offers only one wide-ranging reason for the slide from certainty and strength in 2003 to Joschka Fischer’s intuition of a perishing West. It is economic. The 2008 financial crisis “exacted a huge toll in public support for Europe,” causing a power vacuum across the EU. It exacerbated class and urban-rural divisions, enhancing the perception of elites as the beneficiaries of the EU and non-elites as its victims. It boosted youth unemployment, especially in Southern Europe, and it underscored the perils of globalization. Greece has suffered most acutely from all of these trends. It is ruled by Europe without truly being of Europe, “a sort of protectorate of the Western world, with the surface trappings of a sovereign state but under the close and relentless supervision of foreign creditors.”

Elsewhere, for reasons that are only partly economic, populism has been widening its reach. Erdogan’s founding of the AK party in 2001 was an early warning; only a year before, Vladimir Putin had come to power in Russia. The bell was tolling for the liberal international order, presaging the search for more traditional notions of nation, religion and gender, coupled with nostalgia for a time of greater ethnic homogeneity. Hungary’s Viktor Orban and Poland’s Jaroslaw Kaczynski would ride these sentiments to power. So too would the Brexiteers. There is not a Western European country by now that does not have an active populist party.

“The fate of Europe will be decided largely in Berlin,” Drozdiak writes, and even Berlin is starting to partake of the European and transatlantic disorder. Although Drozdiak’s book does not cover Germany’s recent elections, the country’s third biggest party at the moment is the AFD, a German acronym that stands for “alternative for Germany.” The AFD has weakened Chancellor Merkel’s coalition to the extent that she is struggling to form a government.

More palpable than an explanation of Europe’s disorder, in Fractured Continent, is Drozdiak’s moral attitude toward this disorder. His is the attitude of many journalists and foreign-policy experts in the transatlantic realm who feel that what is happening should not be happening. Chancellor Merkel is the agent of what should be happening. A beacon of the liberal international order, she is the book’s hero. Her Germany betrays signs of “dominant, almost monopolistic control over European policies,” but it is a control wielded for and not against Europe. Emmanuel Macron exhibits a needed vitality. When he beat back Marine LePen’s populist hoards, “virtually all of Europe breathed a sigh of relief,” Drozdiak believes. If virtually all of Europe was rooting for the pro-Europe Macron, one wonders why there has been a problem with populism to begin with, why there are not Macrons in all of Europe’s capitals.

An offhand comment about Brexit best illustrates the solipsism of Drozdiak’s identification with the EU and of his disgust with its enemies. He notes that “the British vote to bolt the EU had taken everybody by surprise”—not virtually everyone in this instance but literally everybody. Oddly enough, however, Trump was not unsurprised by Brexit when it happened. He was in favor of it. Nor did Trump’s possibly eccentric zeal for Brexit cause American voters to abandon him in a fit of Europhilic pique. The American electorate took both Brexit and the Republican candidate’s excitement about it in stride.

The inevitable Europe of 1989 and 2003 has been betrayed by some amorphous spirit of narrowness, opportunism and malice.

Drozdiak’s morality play of populism at war with Europe or of Europe turning in upon itself is a story of Europe interrupted. Yet again the lights are going out across Europe. Strange problems are overtaking an intrinsically admirable project. Iron-clad alliances that were once iron-clad and self-evident are faltering. Novel enemies have appeared on the horizon, which is to say political parties whose cause is the destruction of the European Union, the questioning of the alliance with the United States, and the reconsideration of the poisoned relationship between Russia and the EU. The inevitable Europe of 1989 and 2003 has been betrayed by some amorphous spirit of narrowness, opportunism and malice. This spirit, abetted by hard economic times, is translating success into failure. The enemies are at the gates; a handful of them are inside the gates.

## Advantage 2

### 1NC

#### Regulatory capture means that they don’t solve any of the affirmative because the banks can just pay the enforcers off.

#### No internal link to global sustainable cities---countries globally don’t have sufficient technology for them.

#### Their evidence doesn’t say that it solves environmental harm, just that it makes some progress---it’s a drop in the bucket.

#### Presumption---Congressional backlash and lobbying ensure nonenforcement by federal agencies.

Bush 16 (Darren Bush, Leonard B. Rosenberg College Professor of Law, University of Houston Law Center, 2016, “Out of the DOJ Ashes Rises the FTC Phoenix: How to Enhance Antitrust Enforcement by Eliminating an Antitrust Enforcement Agency,” *Willamette Law Review*, Vol. 53, 2016, <https://ssrn.com/abstract=3151568>)

1. Congress

The largest threats to the FTC come from outside its walls. While courts have not significantly limited the authority of the FTC, particularly with respect to investigations, they do serve as a limitation on the ultimate ability of the FTC to successfully adjudicate matters that result from an investigation. To successfully swing the pendulum back in favor of court deference to FTC outcomes, the agency must be fully unchained. The following subsections describe both appropriate and inappropriate chaining of the FTC.

Constitutionally, Congress is an appropriate constraint upon agency power. It was an act of Congress that gave the agency life, and certainly that power could be used to terminate an agency acting beyond the will of Congress. Within that delegation of authority from Congress is the ability of the agency to use the twin weapons of rulemaking and adjudication, backed with its expertise. However, such appropriate Congressional oversight can be misused to constrain an agency, particularly when a large and power corporation or industry perceives itself as being unfairly under FTC scrutiny.

First, aggrieved industries or corporations could seek express immunity for the antitrust laws. Numerous industries already enjoy immunity from section 5 of the FTC Act, including "banks, savings and loan institutions .. . federal credit unions ... common carriers subject to the Acts to regulate commerce, air carriers and foreign air carriers subject to the Federal Aviation Act of 1958, and persons, partnerships, or corporations insofar as they are subject to the Packers and Stockyards Act. . . ."70 More broadly, statutory immunity from the antitrust laws is all too common. Congress has enacted at least twenty-nine statutory immunities that completely immunize industries or conduct from the antitrust laws, or at least limit the scope of antitrust within those realms. 71

The FTC itself has been the impetus of several of these statutory immunities. For example, Congress passed the Soft Drink Interbrand Competition Act in reaction to the FTC's strong position against nonprice vertical restraints.72 The FTC had challenged the industry's distribution system following a controversial Supreme Court decision in United States v. Arnold, Schwin & Co. 7 3 Soft drink bottlers lobbied for and won immunity designed to protect local bottlers from the vertical integration of syrup manufacturers. 74

Alternatively, Congress may create a modified standard with respect to a particular type of conduct, as it did with the Standards Development Organization Advancement Act.75 The SDOAA requires that the rule of reason analysis to standard setting bodies and limits the ability of private plaintiffs to obtain attorneys' fees. Registered standard development organizations are also protected from treble damages. This legislation too is a response to FTC antitrust enforcement. The FTC had investigated Dell's, 76 Rambus's, 77 and Unocal's 78 participation and conduct within particular standard-setting organizations. While members of the standard-setting body still face liability, there is somewhat of a shield effect arising from the standard development organization's immunity. This threat is particularly poignant when a single party controls both Houses of Congress, or when there is a veto-proof majority. On the bright side, this type of immunity applies equally to both the FTC and the DOJ, so in theory it is immaterial whether or not there is a single antitrust enforcement agency or two. The result would be the same: the antitrust laws would be limited in those instances.

Beyond outright barring investigation and enforcement of the antitrust laws in a particular industry, Congress can severely hamstring the agency. For example, rather than passage of an unpopular statutory immunity, it might be easier for Congress to curtail directly the FTC's authority to enforce or even investigate anticompetitive conduct within an industry by directly barring FTC authority within its organic statute. Congress has done so numerous times. For example, Congress limited the FTC's power to engage in rulemaking for the purpose of consumer protection when it passed the Federal Trade Commission Improvements Act of 1980.79 This limitation arose from industry backlash after the FTC engaged in rulemaking concerning children's advertising.8 0 The amendments also make the FTC an adversary in its own rulemaking proceedings by importing adjudicatory norms. For example, the provisions call for a presiding officer with independence from staff influence, protected by ex parte communications. 8 The 1980 amendments thus severely impede the agency to engage in any effective rulemaking.

#### Court circumvention – they ignore intent and plain meaning, reject lit bias towards optimism

Crane 21 [Daniel A Crane. Frederick Paul Furth, Sr. Professor of Law, University of Michigan. I am very grateful for many helpful comments from Tom Arthur, Jonathan Baker, Steve Calkins, Dale Collins, Eleanor Fox, Rebecca Haw, Hiba Hafiz, Jack Kirkwood, Bob Lande, Christopher Leslie, Alan Meese, Steve Ross, Danny Sokol, and other participants at the University of Florida Summer Antitrust Workshop. "ANTITRUST ANTITEXTUALISM." https://scholarship.law.nd.edu/cgi/viewcontent.cgi?article=4952&context=ndlr]

This view is so widely entrenched in the legal profession’s understanding of the antitrust laws—including, it must be admitted, this author’s—that it seems presumptuous to claim that the conventional wisdom is wrong, or at least significantly overstated. But it is. While the antitrust statutes may be lacking in some important particulars, they present a readily discernable meaning on many others. As Daniel Farber and Brett McDonnell have argued, “For the conscientious textualist, the statutory texts [of the antitrust laws] have considerably more specific meaning than the conventional wisdom would suggest.”5 And it is not simply the case that the meaning of the statutory texts could be rendered through ordinary methods of statutory interpretation but the courts have failed to see it. Rather, the courts frequently acknowledge that the statutory texts have a plain meaning, and then refuse to follow it.

But it gets worse. The courts have not merely abandoned statutory textualism or other modes of faithful interpretation out of a commitment to a dynamic common-law process. Rather, they have departed from text and original meaning in one consistent direction—toward reading down the antitrust statutes in favor of big business. As detailed in this Article, this unilateral process began almost immediately upon the promulgation of the Sherman Act and continues to this day. In brief: within their first decade of antitrust jurisprudence, the courts read an atextual rule of reason into section 1 of the Sherman Act to transform an absolute prohibition on agreements restraining trade into a flexible standard often invoked to bless large business combinations; after Congress passed two reform statutes in 1914, the courts incrementally read much of the textual distinctiveness out of the statutes to lessen their anticorporate bite; the courts have read the 1936 Robinson-Patman Act almost out of existence; and the Celler-Kefauver Amendments of 1950, faithfully followed in the years immediately after their promulgation, have been watered down to textually unrecognizable levels by judicial interpretation and agency practice. It is no exaggeration to say that not one of the principal substantive antitrust statutes has been consistently interpreted by the courts in a way faithful to its text or legislative intent, and that the arc of antitrust antitexualism has bent always in favor of capital.

#### No impact to oil spills---bacteria

R&D Magazine, 4/8/2013 (Research shows Gulf of Mexico resilient after spill, p. <http://www.rdmag.com/news/2013/04/research-shows-gulf-mexico-resilient-after-spill>)

The Gulf of Mexico may have a much greater natural ability to self-clean oil spills than previously believed, according to Terry Hazen, University of Tennessee-Oak Ridge National Laboratory Governor's Chair for Environmental Biotechnology. Hazen conducted research following the 2010 Deepwater Horizon disaster, which is estimated to have spilled 210 million gallons of oil into the Gulf of Mexico. His research team used a powerful new approach for identifying microbes in the environment to discover previously unknown and naturally occurring bacteria that consume and break down crude oil. "The Deepwater Horizon oil provided a new source of nutrients in the deepest waters," said Hazen. "With more food present in the water, there was a population explosion among those bacteria already adapted to using oil as a food source. It was surprising how fast they consumed the oil. In some locations, it took only one day for them to reduce a gallon of oil to a half gallon. In others, the half-life for a given quantity of spilled oil was six days." This data suggests that a great potential for intrinsic bioremediation of oil plumes exists in the deep sea and other environs in the Gulf of Mexico. Oil-eating bacteria are natural inhabitants of the Gulf because of the constant supply of oil as food.

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# 2NC

## 2NC Advantage CP

### OV

#### Public investment creates universal accsess and allows flexibility

Wessel et al 21 – (Sophia Campbell, Jimena Ruiz Castro, and David Wessel 21, 8-18-2021, "The benefits and costs of broadband expansion," Brookings, <https://www.brookings.edu/blog/up-front/2021/08/18/the-benefits-and-costs-of-broadband-expansion/>)//gcd

Of the bill’s $65 billion, about $42 billion would be for block grants to state and tribal governments, offering states more flexibility to tailor broadband investments (although they will need to meet the minimum speed standards for new networks set by ARPA). The bill will require providers that receive the funding to offer a low-cost option to users and a standardized broadband “nutrition label” with information on their service, creates an Affordable Connectivity Benefit to help low-income households purchase Internet services, and establishes several grant programs specifically to promote digital equity. The bill also includes a $14 billion extension to emergency broadband subsidies which began during the pandemic and were set to expire in a few months; however, the extension will reduce the $50 per month assistance low-income families received to cover internet costs at the start of the pandemic to $30 per month. The $65 billion is the largest single investment in broadband expansion in decades—but will it be enough? Given the FCC’s progress since its 2018 estimate of an $80 billion price tag, the infrastructure bill combined with funding from pandemic legislation may achieve nearly universal access, although likely not enough to cover long-term operating costs in hard-to-reach areas. The bill puts nearly equal focus on addressing affordability, which will likely bring internet to significantly more Americans than could building out networks to rural areas alone. However, as noted earlier, the FCC’s estimate of the number of Americans still lacking access is likely too low, so $80 billion may itself be an underestimate. The amount needed to fully close the digital divide remains uncertain.

#### No risk of terrorism

John Mueller political scientist at Ohio State and co-author of Terror, Security, and Money: Balancing the Risks, Benefits, and Costs of Homeland Security “Has the threat from terrorism been exaggerated?” The Commentator 1/8/2014 <http://www.thecommentator.com/article/4579/has_t>he\_threat\_from\_terrorism\_be en\_exaggerated

Two years after the raid on Osama bin Laden’s hideaway, terrorism alarmists remain in peak form explaining that although al-Qaeda has been weakened it still manages to present a grave threat. Various well-honed techniques are applied to support this contention. One is to espy and assess various “linkages” or “connections” of “ties” or “threads” between and among a range of disparate terrorists or terrorist groups, most of which appear rather gossamer and of only limited consequence on closer examination. Another is to exaggerate the importance and effectiveness of the “affiliated groups” linked to al-Qaeda central. In particular, alarmists point to the al-Qaeda affiliate in chaotic Yemen, ominously hailing it as the “deadliest” and the “most aggressive” of these and a “major threat.” Yet its chief efforts at international terrorism have failed abysmally: an underwear bomb and laser printer bombs on cargo planes. With that track record, the group may pose a problem or concern, but it scarcely presents a “major threat” outside of war zones. More generally, “al-Qaeda is its own worst enemy,” as Robert Grenier, a former top CIA counterterrorism official, notes. “Where they have succeeded initially, they very quickly discredit themselves.” Any terrorist threat within the developed world seems even less impressive. The Boston terrorists of 2013 were the first in the United States since 9/11 in which Islamist terrorists actually were able to assemble and detonate bombs -- albeit very primitive ones. But except for that, they do not seem to have been more competent than most of their predecessors. Amazingly, they apparently thought they could somehow get away with their deed even though they chose to set their bombs off at the most-photographed spot on the planet at the time. Moreover, they had no coherent plan of escape and, as commonly found, no ability to explain how killing a few random people would advance their cause. While the scope of the tragedy in Boston should not be minimized, it should also be noted that if the terrorists’ aim was to kill a large number of people, their bombs failed miserably. As recent cases in Colorado and Connecticut sadly demonstrate, far more fatalities have been inflicted by gunmen. Before Boston, some 16 people had been killed by Islamist terrorists in the United States in the years since 2001, and all of these were murdered by people who were essentially acting alone. By contrast, in the 1970s, organized terrorists inflicted hundreds of attacks, mostly bombings, in the United States, killing 72. As concern about organized attacks has diminished, fear of “lone wolf” attacks has grown in recent years, and one official assessment contends that “lone offenders currently present the greatest threat.” This is a reasonable observation, but those concerned should keep in mind that, as analyst Max Abrahms has noted, while lone wolves may be difficult to police, they have carried out only two of the 1,900 most deadly terrorist attacks over the last four decades. The key question, at least outside of war zones, is not, “are we safer?” but “how safe are we?” At current rates, an American’s chance of becoming a victim of terrorism in the U.S., even with 9/11 in the calculation, is about 1 in 3.5 million per year. In comparison, that same American stands a 1 in 22,000 yearly chance of becoming a homicide victim, a 1 in 8,000 chance of perishing in an auto accident, and a 1 in 500 chance of dying from cancer. These calculations are based, of course, on historical data. However, alarmists who would reject such history need to explain why they think terrorists will suddenly become vastly more competent in the future. But no one seems to be making that argument. Indeed, notes one reporter, U.S. officials now say that al-Qaeda has become less capable of a large attack like 9/11. But she also says that they made this disclosure only on condition of anonymity out of fear that “publicly identifying themselves could make them a target” of terrorists. In contrast, one terrorism specialist, Peter Bergen, has observed in heroic full attribution mode that, “The last terror attack (in the West) was seven years ago in London,” that there “haven’t been any major attacks in the U.S.,” and that “they are recruiting no-hopers and dead-enders.”

## Advantage 1

### EU Defense

#### EU fails at everything – litany of crises

Wunsch, 2019

(Natasha Wunsch 19, a post-doctoral researcher in the European Politics Group at the Center for Comparative and International Studies, Sept 7 2019, accessed 9/23/19, "The European Union in Times of Crisis: Internal Challenges and a Changing Global Order", European Consortium for Political Research, <https://ecpr.eu/Events/SectionDetails.aspx?SectionID=842&EventID=123>) JTD

Since 2009, the EU appears to be operating in a context of permanent crises. Internally, it is grappling with the crisis of the Eurozone and economic governance, the migration crisis, the negotiations surrounding Brexit, and a creeping but no less dangerous challenge to democracy as the core of the Union’s shared values. The manifestations of these crises have been so prolonged and recurring that they raise the question whether they represent systemic flaws that call into question the long-term prospects of European integration. This question has been posed with relation to European economic and eurozone governance, but is equally relevant when it comes to Eurosceptic trends among EU citizens and the rise of populist and nationalist governments that explicitly challenge core institutions and values of the Union. Brexit negotiations and the enduring difficulties in finding a workable form of future cooperation with the UK after the deadline for leaving the Union further illustrate how some of the core tenets of the EU’s order, including the free movement of people in the internal market, are coming under pressure. At the same time, the EU faces a multitude of external challenges. These range from the strained transatlantic relationship due to the increasingly isolationist stance of the United States, the rise of a stronger China, and an increasingly assertive Russia. The EU’s ability to bring positive change to its neighbourhood is challenged by the enduring instability and outright political crises in the countries of the Eastern Partnership and those that experienced the Arab Spring. These multiple crises challenge the EU’s emphasis on soft power as its privileged mode of engagement with third countries and risk fostering ever deeper Euroscepticism among the EU’s citizens.

#### EU soft power fails

Dempsey, 11

Judy Dempsey, Int'l Herald Tribune Europe Senior Correspondent, 9/28/11, The Failure of Soft Power, carnegieeurope.eu/publications/?fa=45617

Europeans have long believed soft power to be the best instrument to promote their values and their security. They have a strong sense of moral superiority about it, particularly when looking at hard, or military, power. Military action is something that the Europeans leave to the United States, Britain, and France. Even if it wanted to, the European Union cannot do it. It lacks the basic capabilities, such as heavy airlift and logistics. It lacks an integrated defense policy for armament procurement. It also lacks a security strategy that includes the use of hard power as an option. The soft power instruments Europeans have used over the years consist of development aid and civilian assistance, such as training the police and judiciary in some countries. The Europeans also sometimes couple soft power with trade incentives or with sanctions. Above all, they pride themselves on basing their actions on the defense of human rights which are, at least officially, at the core of Europe’s value system. But Europe’s record in making soft power the cornerstone of its security strategy has been patchy. It has been worked incredibly well in Eastern Europe. Enlargement with its plethora of promises and incentives is soft power at its most powerful. But Europe cannot enlarge to the rest of the world. That is where Europe’s soft power policies have had so little, if any success. Take Iran. Years of negotiations with Iran to get it to abandon its nuclear ambitions have gotten the Europeans nowhere. Promises of technical assistance and closer economic cooperation have had no impact on the regime in Teheran, even though some of the sanctions are biting. The reason why the Europeans have failed is because Iranian President Mahmoud Ahmadinejad is just too stubborn. He seems determined to develop a nuclear military capability for Iran’s own geo-strategic interests no matter what the cost to his people. Soft power can find no grip there. Bosnia-Herzegovina is another case where the instrument has failed. Fifteen years after the Dayton accords that ended the civil war in the former Yugoslavia, Bosnia is mired in corruption and misrule. This is despite the presence of a large EU police force, not to mention the billions of euros the European taxpayer has poured into this tiny country. The state that the EU is trying to build has never really been accepted by the ethnic communities living there. And the EU is not prepared to stop the bullying and separatist tactics of the Bosnian Serbs in particular. Afghanistan is another stain on the EU’s soft power record. There, the Europeans have done too little and too late, wasting the initial good will of the Afghan people after the Taliban regime was overthrown in 2001. While the U.S. and its coalition forces were distracted by the war in Iraq, the Europeans did little to fill the gap left in Afghanistan. Europe’s most abject failure is its police-train ing mission there. It is still under-financed and under-staffed. What a shame for what should have been a stellar example of the EU’s use of soft power.

## Advantage 2

### Regulatory Capture

#### Regulatory capture turns their DAs and causes oil spills.

**Moss & Carpenter 14** (David Moss – Paul Whiton Cherington Professor at Harvard Business School. Daniel Carpenter – Allie S. Freed Professor of Government at Harvard University. <KEN> “Introduction,” in “Preventing Regulatory Capture,” Cambridge University Press. <https://www.tobinproject.org/sites/tobinproject.org/files/assets/Introduction%20from%20Preventing%20Regulatory%20Capture.pdf>)

When markets or regulations fall short of our expectations, observers often point to regulatory capture as a culprit. Critics maintain that regulatory capture stunts competition and innovation, as firms able to capture their regulators effectively wield the regulatory power of the state and can use it as a weapon to block the entry or success of other firms. Some critics even blame regulatory capture for the outbreak of financial crises and other manmade disasters. Recent years provide no exception. In the wake of the global financial crisis of 2007–2009, and following catastrophes ranging from massive oil spills to mine explosions, observers seemed to find capture everywhere.

In explaining the financial crisis, for example, both left and right pounced on the reputed capture of state and federal regulatory agencies. Forbes columnist Daniel Kauffman maintained that “There are multiple causes of the financial crisis. But we cannot ignore the element of ‘capture’ in the systemic failures of oversight, regulation and disclosure in the financial sector.” Chicago economist Gary Becker pointed to an “economically disastrous example of the capture theory,” one “provided by the disgraceful regulation of the two mortgage housing behemoths, Fannie Mae and Freddie Mac, before and leading up to the financial crisis.” After the Deepwater Horizon explosion and Gulf Oil spill of spring 2010, conservative columnist Gerald P. O’Driscoll wrote in the Wall Street Journal that, “Obviously, regulation failed. By all accounts, MMS operated as a rubber stamp for BP. It is a striking example of regulatory capture: Agencies tasked with protecting the public interest come to identify with the regulated industry and protect its interests against that of the public. The result: Government fails to protect the public.”1

Capture has thus been alleged – perhaps quite plausibly – to figure significantly in the major human and environmental crises of our time. In the aftermath of these crises, capture has also been blamed for severely undercutting efforts at reform. The widespread belief that special interests capture regulation, and that neither the government nor the public can prevent this, understandably weakens public trust in government and contributes to a sense that our political system is not capable of meeting the challenges it faces.

#### SECOND is dispersion

**Ross 10** Selena Ross, “BP Experts: Everything You Know About the Oil Spill is Wrong,” AOL NEWS, 8-1-10, www.aolnews.com/gulf-oil-spill/article/gulf-oil-spill-cleanup-bp-consultants-discuss-what-they-see-as-misconceptions/19572133?icid=main|main|dl1|link5|http%3A%2F%2Fwww.aolnews.com%2Fgulf-oil-spill%2Farticle%2Fgulf-oil-spill-cleanup-bp-consultants-d, accessed 4-7-12.

There is no mass of Deepwater oil where we can't see it, and there are no traveling plumes of heavy oil miles away from the well head, the three experts say. "That would never happen, and all the monitoring that's been going on has been showing very low -- and decreasing -- concentrations of oil," Lewis says. When oil is dispersed into tiny droplets, the droplets separate from each other and are diluted in the open ocean, he explains. They do not get weighed down and cannot rejoin each other under water. Bacteria break them down into carbon dioxide and water in a predictable way, and when they can't be found, it's because they are no longer there**.** Lewis points to a huge eco-monitoring project started by the British government after the big Sea Empress spill was dispersed in 1996, Lewis says. "There were no effects the next year," he says. "If the oil is dispersed at sea, you can go back a year later and you can't find it."

#### Extensive and detailed scientific research shows any damage from oil spills will be rapidly recovered

**ITOPF 7** [International Tanker Owners Pollution Federation, “Marine Recovery,” online]

Marine organisms have varying degrees of natural resilience to changes in their habitats. The natural adaptations of populations of animals and plants to cope with environmental stress, combined with their breeding strategies, provide important mechanisms for coping with the daily and seasonal fluctuations in their habitats and for recovering from predation and other stochastic events. Some natural phenomena can be highly destructive. The short-term power of hurricanes and tsunamis can easily be appreciated, as can the damage they cause. The cyclical El Niño phenomenon has major long-term consequences for marine organisms, seabirds and marine mammals throughout the entire Pacific Ocean. Organisms suffer under such onslaughts, but after what is often severe disruption and widespread mortality, the marine populations re-establish themselves over a period of time and this process constitutes natural recovery. An important reproductive strategy for many marine organisms is the production of vast numbers of eggs andlarvae which are released into the plankton and are widely distributed by currents. This mechanism has evolved to take maximum advantage of available space and resources in marine habitats and to deal with e.g. predation. In some cases, only one or two individuals in a million actually survive through to adulthood. … While it may be possible to help restore damaged vegetation and physical structures, designing meaningful restoration strategies for animals is a much greater challenge. In some cases it may be warranted to protect a natural breeding population at a nearby non-impacted site, for example by predator control, to provide a reservoir from which re-colonisation of the impacted areas can occur. In reality, the complexity of the marine environment means that there are limits to which ecological damage can be repaired by artificial means. In most cases natural recovery is likely to be relatively rapid and will only rarely be outpaced by restoration measures. The short-term effects of oil spills on many marine species and communities are well known and predictable, but concerns are often raised about possible longer-term ("sub-lethal") population effects. Extensive research and detailed post-spill studies have shown that many components of the marine environment are highly resilient to short-term adverse changes, including oil spills, and as a result even a major oil spill will rarely cause permanent effects.

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#### Growth causes chemical emissions which cause extinction

Cribb 17—principal of JCA, Fellow of the Australian Academy of Technological Sciences and Engineering, former Director, National Awareness, CSIRO (Julian, “The Poisoner,” *Surviving the 21st Century* Chapter 6, dml)

There are two essential points about the Earthwide chemical flood. First it is quite new. It began with the industrial revolution of the late nineteenth century, but expanded dramatically in the wake of the two world wars—where chemicals were extensively used in munitions—and has exploded in deadly earnest in the past 50 years, attaining a new crescendo in the early twenty-first century. It is something our ancestors never faced—and to which we, in consequence, lack any protective adaptations which might otherwise have evolved due to constant exposure to poisons. Second, the toxic flood is, for the most part, preventable. It is not compulsory—but is an unwanted by-product of economic growth. Though driven by powerful industries and interests, it still lies within the powers and rights of citizens, consumers and their governments to demand it be curtailed or ended and to encourage industry to safer, healthier products and production systems. The issue is whether, or not, a wise humanity would choose to continue poisoning our children, ourselves and our world. Regulatory Failure Despite the fact that around 2000 new chemicals are released onto world markets annually, most have not received proper health, safety or environmental screening—especially in terms of their impact on babies and small children. Regulation has so far failed to make any serious curtailment of this flood: only 21 out of 144,000 known chemicals have been banned internationally, and this has not eliminated their use. At such a rate of progress it will take us more than 50,000 years to identify and prohibit or restrict all the chemicals which do us harm. Even then, bans will only apply in a handful of well-regulated countries, and will not protect the Earth system nor humanity at large. Clearly, national regulation holds few answers to what is now an out-of-control global problem. Furthermore, the chemical industry is relocating from the developed world (where it is quite well regulated and observes its own ethical standards) and into developing countries, mainly in Asia, where it is largely beyond the reach of either ethics or the law. However, its toxic emissions return to citizens in well-regulated countries via wind, water, food, wildlife, consumer goods, industrial products and people. The bottom line is that it doesn’t matter how good your country’s regulations are: you and your family are still exposed to a growing global flood of toxins from which even a careful diet and sensible consumer choices cannot fully protect you. The wake-up call to the world about the risks of chemical contamination was issued by American biologist Rachel Carson when she published Silent Spring in 1962, in which she warned specifically about the impact of certain persistent pesticides used in agriculture. Since her book came out, the volume of pesticide use worldwide has increased 30-fold, to around four million tonnes a year in the mid-2010s. Since the modern chemical age began there has been a string of high-profile chemical disasters: Minamata, the Love Canal, Seveso, Bhopal, Flixborough, Oppau, Toulouse, Hinkley, Texas City, Jilin, Tianjin. Most of these display a familiar pattern of unproductive confrontation between angry citizens, industry and regulators, involving drawn-out legal battles that deliver justice to nobody. By their spectacular and local nature, such events serve to distract from the far larger, more insidious and ubiquitous, universal toxic flood. Chemists and chemical makers often claim that their products are ‘safe’ because individual exposure (e.g. in a given product, like a serve of food) is too low to result in a toxic dose, a theory first put forward by the mediaeval scholar Paracelsus in the sixteenth century. This ‘dose related’ argument is disingenuous, if not dishonest—as modern chemists well know—for the following reasons: Most chemicals target a receptor or receptors on certain of your body cells, to cause harm. There may be not one, but hundreds or even thousands of different chemicals all targeting the same receptor, so a particular substance may contribute an unknowable fraction to an overall toxic dose. That does not make it ‘safe’. Chemicals not known to be poisonous in small doses on their own can combine with other substances in water, air, food or your body to create a toxin. No manufacturer can truthfully assert this will not happen to their products. Chemical toxicity is a function of both dose and the length of time you are exposed to it. In the case of persistent chemicals and heavy metals, this exposure may occur over days, months, years, even a lifetime in some cases. Tiny doses may thus accumulate into toxic ones. Most chemical toxicity is still measured on the basis of an exposed adult male. Babies and children being smaller and using much more water, food and air for their bodyweight, are therefore more at risk of receiving a poisonous dose than are adults. Chemicals and minerals are valuable and extremely useful. They do great good, save many lives and much money. No-one is suggesting they should all be banned. But their value may be for nothing if the current uncontrolled, unmonitored, unregulated and unconscionable mass release and planetary saturation continues. Chemical Extinction Two billion years ago, excessive production of one particular poisonous chemical by the inhabitants of Earth caused a colossal die-off and threatened the extermination of all life. That chemical was oxygen and it was excreted by the blue-green algae which then dominated the planet, as part of their photosynthetic processes. After several hundred million of years, the planet’s physical ability to soak up the surplus O2 in iron formations, oceans and sediments had reached saturation and the gas began to poison the existing life. This event was known as the ‘oxygen holocaust’, and is probably the nearest life on Earth has ever come to complete disaster before the present (Margulis and Sagan 1986). Since it developed slowly, over tens of millions of years, the poisonous atmosphere permitted some of these primitive organisms to evolve a tolerance to O2—and this in time led to the rise of oxygen-dependent species such as fish, mammals and eventually, us. The takehome learning from this brush with total annihilation is that it is possible for living creatures to pollute themselves into oblivion, if they don’t take care to avoid it or rapidly adapt to the new, toxic environment. It’s a message that humans, with our colossal planetary chemical impact, would do well to ponder. While it is unlikely that human chemical emissions alone could reach such a volume and toxic state as to directly threaten our entire species with extinction (other than through carbon emissions in a runaway global warming event) or even the collapse of civilisation, it is likely they will emerge as a serious contributing factor during the twenty-first century in combination with other factors such as war, climate change, pandemic disease and ecosystem breakdown. Credible ways in which man-made chemicals might imperil the human future include: Undermining the immune systems, physical and mental health of the population through growing exposure to toxins Reducing the intelligence of current and future generations through the action of nerve poisons on the developing brains and central nervous systems of children, rendering humanity less able to solve its problems and adapt to major changes; and by increasing the level of violent crime and conflict in society, which is closely linked to lower IQ. Bringing down the economy through the massive healthcare costs of having to nurse, treat and maintain a growing proportion of the population disabled by lifelong chronic chemical exposure. By poisoning the ecosystem services—clean air, water, soil, plants, insects and wildlife—on which humanity depends for its own survival and thereby contributing to potential global ecosystem breakdown By augmenting the global arsenal of weapons of mass destruction and hence the risk of their use by nations or uncontrollable fanatics.

#### Aggregate data proves

Daniel Drezner 14, professor of international politics at the Fletcher School of Law and Diplomacy at Tufts University, “The System Worked: Global Economic Governance during the Great Recession,” World Politics 66, No 1 (January 2014), 123-64

The final significant outcome addresses a dog that hasn’t barked: the effect of the Great Recession on cross-border conflict and violence. During the initial stages of the crisis, multiple analysts asserted that the financial crisis would lead states to increase their use of force as a tool for staying in power.42 They voiced genuine concern that the global economic downturn would lead to an increase in conflict—whether through greater internal repression, diversionary wars, arms races, or a ratcheting up of great power conflict. Violence in the Middle East, border disputes in the South China Sea, and even the disruptions of the Occupy movement fueled impressions of a surge in global public disorder.¶ The aggregate data suggest otherwise, however. The Institute for Economics and Peace has concluded that “the average level of peacefulness in 2012 is approximately the same as it was in 2007.”43 Interstate violence in particular has declined since the start of the financial crisis, as have military expenditures in most sampled countries. Other studies confirm that the Great Recession has not triggered any increase in violent conflict, as Lotta Themnér and Peter Wallensteen conclude: “[T]he pattern is one of relative stability when we consider the trend for the past five years.”44 The secular decline in violence that started with the end of the Cold War has not been reversed. Rogers Brubaker observes that “the crisis has not to date generated the surge in protectionist nationalism or ethnic exclusion that might have been expected.”45

#### We control the escalation of wars – outweighs risk of diversionary conflicts

Charles Boehmer 10, professor of political science at the University of Texas – El Paso and Ph.D. in Political Science from Pennsylvania State University, “Economic Growth and Violent International Conflict: 1875-1999,” Defence and Peace Economics, June, Vol. 21, Issue 3, pg. 249-268

The theory set forth earlier theorizes that economic growth increases perceptions of state strength, increasing the likelihood of violent interstate conflicts. Economic growth appears to increase the resolve of leaders to stand against challenges and the willingness to escalate disputes. A non-random pattern exists where higher rates of GDP growth over multiple years are positively and significantly related to the most severe international conflicts, whereas this is not true for overall conflict initiations. Moreover, growth of mililary expenditures, as a measure of the war chest proposition, does not offer any explanation for violent interstate conflicts. This is not to say lhat growth of military expenditures never has any effect on the occurrence of war, although such a link is not generally true in the aggregate using a large sample of states. In comparison, higher rates of economic growth are significantly related to violent interstate conflicts in the aggregate. States with growing economies are more apt to reciprocate military challenges by other states and become involved in violent interstate conflicts. The results also show that theories from the Crisis-Scarcity perspective lack explanatory power linking GDP growth rates to war at the state level of analysis. This is not to say thai such theories completely lack explanatory power in general, but more particularly that they cannot directly link economic growth rates to state behavior in violent interstate conflicts. In contrast, theories of diversionary conflict may well hold some explanatory power, although not regarding GDP growth in a general test of states from all regions of the world across time. Perhaps diversionary theory better explains state behaviors short of war, where the costs of externalizing domestic tensions do not become too costly, or in relation to the foreign policies of particular countries. In many circumstances, engaging in a war to divert attention away from domestic conditions would seemingly exacerbate domestic crisis conditions unless the chances of victory were practically assured. Nonetheless, this study does show that domestic conflict is associated with interstate conflict. If diversionary conflict theory has any traction as an economic explanation of violent interstate conflicts, it may require the study of other explan¬atory variables besides overall GDP growth rates, such as unemployment or inflation rales.

#### It says we need to move away from endless accumulation of capital – degrowth solves but growth causes enviornmental collapse

**Pope 20** (Chris Pope, assistant Professor at Kyoto Women's University, specializing in East Asian politics. <KEN> “Constructing a New World Order: The Case for a Post-Crisis International Settlement?” Tokyo and Kyoto: Science Council of Japan and Aoyama Gakuin University. Pp.120-137. March 2020. DOI: 10.13140/RG.2.2.18095.28328)

The rise of finance is constraining global capacity to respond to climate change and the socioecological crisis. Indeed, the argument might be extended further to capitalism itself, as a system that demands the relentless accumulation of capital to function (Wallerstein 2004; Harvey 2005). Therefore, so long as the conditions of social production are based on the physical properties of the Biosphere, economic growth will impact on the earth’s capacity to regenerate its resources which, in the Anthropocene, inevitably reshapes the Earth’s subsystems in ways that are deleterious to the sustainability of civilization and potentially even life on Earth (Rockström et al. 2009; Barnosky et al. 2012; Guignard et al. 2017). While there is optimism over a ‘decoupling’ of production from the physical properties of the planet, it is surely obvious to most people that this is a facile argument that minimizes the importance of recalibrating the social metabolism that exists between human production and the biosphere upon which it unavoidably relies (Fischer-Kowalski 1998; Foster 2000).

Nonetheless, financialization and the centrality of the US dollar itself has further impacted on humanity’s political capacity to respond. To start, governmental reliance on finance markets for short-term growth has allowed the interests of transnational capital to override the preferences of domestic citizens everywhere (Blyth 2016: 175; Crouch 2004; Stockhammer 2012). For instance, multilateral agreements on trade, such as the Trans-Pacific Partnership, are equipped with frameworks by which transnational corporations can sue states for democratically-mandated policies in international courts of arbitration if new policies prevent businesses from attaining profit under the conditions of existing trade agreements. This, in effect, makes the enactment of policies designed to prevent socioecological collapse much more unlikely given the obvious link between production and the exploitation of natural resources (Mathews 22 October 2014)

Second, another reason is that the politics of finance has led to the destruction of collective bargaining capacities among the workforce. Supply-side economics and monetarism at the heart of the international political economy relies on keeping prices and wages low. For self-explanatory reasons, perennially low wages are not something to which a given workforce is likely to subscribe and thus neoliberal policy as well as US domestic and foreign policy (along with other advanced nations) has been to reduce the bargaining capacities of workers whilst shrinking the earning power of the state as well as its capacity to meaningfully intervene in markets. For many developing nations, economic models have been premised upon maintaining a low currency valuation to the US dollar and increasing productivity over exports by eradicating any existing social or work-place benefits and protections for workers whilst relying on unfree labor or wage slavery to bring down the price of its exports in foreign markets (LeBaron 2018). A diminished political capacity for workers to collectively demand changes through demonstration, protest, and bargaining, not only to improve their working conditions but to benefit their communities, is another cause of the inadequate levels of pressure on politicians to contravene the interests of transnational capital and to assure them that they can survive politically the consequences of doing so.

Third, financialization and deregulation has allowed large corporations to trans-nationalize and in doing so exacerbated issues of tax evasion, money laundering and offshore finance. The result is that the tax revenue of the states has declined which has compelled states to make sweeping cuts to social welfare and reduce labor standards. While this exacerbates the issue of the decline in collective bargaining power given that employees, with less social support and employment security, are less likely to protest, and has made national governments increasingly reliant on financial institutions to attain economic growth (Stockhammer 2012), it has also impinged on the state’s ability to provide adequate levels of funding into research and design for renewable energies and other technologies that would help to mitigate the socioecological crisis. Furthermore, the GFC, indeed a consequence of reckless lending and soaring levels of private debt, has left private companies with too many liabilities for there to be consent among stakeholders within the extant corporate structure, on the micro-level, for large-scale long-term investments to be made for the sake of the environment (Koo 2019). At the same time, Quantitative Easing has both done little to alleviate these burdens among the private sector, and has caused government debts to skyrocket which has pressured politicians to implement entirely unrealistic austerity measures which has exacerbated the crisis (Varoufakis 2011; 2016; Thompson 2018).

Fourth, power of financial institutions and rising levels of inequality as a result of deregulation and financialization has empowered corporations to influence the political process. In the US, for example, a quantitative analysis of 1779 policies issues found that economic elites and organized groups representing business interests have a significant degree of impact over US policy while average citizens do not (Gilens and Page 2014). Corporate influence over the political process has impacted society’s ability to respond to climate change and the socioecological crisis. For instance, climate change denialism in the US has been an institutional effort among “a large number of organizations, including conservative think tanks, advocacy groups, trade associations and conservative foundations, with strong links to sympathetic media outlets and conservative politicians” in which much funding is untraceable dark money (Brulle 2014). Similarly, powerful interests among an economic and political elite have been able to block pathways towards reform through by placing pressure on environmental journalists through threats of and actual acts of violence including murder (Garside and Watts 17 June 2019).

#### complexity, wage disparity, resource prices, and debt—history proves all of these

Tverberg, 16—M. S. from the University of Illinois, Chicago in Mathematics, and is a Fellow of the Casualty Actuarial Society and a Member of the American Academy of Actuaries, citing Joseph Tainter, Department of Environment and Society at Utah State University, former Professor of Anthropology at the University of New Mexico, and Peter Turchin, professor at the University of Connecticut in the Department of Ecology and Evolutionary Biology as well as in the Department of Anthropology and in the Department of Mathematics (Gail, “An Updated Version of the “Peak Oil” Story,” <https://ourfiniteworld.com/2016/08/08/an-updated-version-of-the-peak-oil-story/>, dml)

Instead of the scenario envisioned by Peak Oilers, I think that it is likely that we will in the very near future hit a limit similar to the collapse scenarios that many early civilizations encountered when they hit resource limits. We don’t think about our situation as being similar to early economies, but we too are reaching a situation of decreasing resources per capita (especially energy resources). The resource we are most concerned about is oil, but there are other resources in short supply, including fresh water and some minerals. Research by Joseph Tainter and by Peter Turchin indicates that some of the issues involved in previous resource-based collapses are the following: Growing Complexity. Citizens who discovered they were reaching resource limits typically tried to work around this problem. For example, hunter-gatherers turned to agriculture when their population grew too large. Later, civilizations facing limits added irrigation to raise food output, or raised large armies so that they could attack neighboring countries. Making these changes required greater job specialization and more of a hierarchical system–two aspects of growing complexity. This increased complexity used part of the resources that were in short supply, since people at the top of the hierarchy were paid more, and since building new capital goods (today’s example might be wind turbines and solar panels) takes resources that might be used elsewhere in the economy. Eventually, growing complexity reaches limits because costs rise faster than the benefits of growing complexity. Growing Wage Disparity. With growing complexity, wage disparity became more of a problem. I have described this problem as “Falling Return on Human Labor Invested.” Ultimately, this seems to be a major cause of collapse. Workers use machines and other tools, so this return on human labor has been leveraged by fossil fuels and other energy resources used by the system. Spiking Resource Prices. Initially, when there is a shortage of food or fuel, prices are likely to spike. A major impediment to long-term high prices is the large number of people at the bottom of the hierarchy (Figure 8) who cannot afford high-priced goods. Thus, the belief that prices can permanently rise to high levels is probably false. Also, Revelation 18: 11-13 indicates that when ancient Babylon collapsed, the problem was a lack of demand and low prices. Merchants found no one to sell their cargos to; no one would even buy human slaves–an energy product. Rising Debt. Debt was used to enable complexity and to hide the problems that people at the bottom of the resource triangle were having in purchasing goods. Ultimately, increased debt was not successful in solving the many problems the economies faced. Ultimately, Failing Governments. Governments need resources for their purposes, whether hiring armies or making transfer payments to the elderly. The way governments get their share of resources is through the use of tax revenue. When people at the bottom of the hierarchy were cut out of receiving adequate resources (through low wages), the amounts they could afford to pay in taxes fell. Governments would sometimes collapse directly from lack of tax revenue; other times collapses occurred because governments could no longer afford large enough armies to defend their borders. Ultimately, Falling Population. With low wages and governments requiring higher tax levels to fund their programs, people at the bottom of the hierarchy found it difficult to afford adequate nutrition. They became more susceptible to plagues. Loss of battles to neighboring countries could at times play a role as well. Lessons We Should Be Learning Even if we made it past peak conventional oil, there is likely a different, very real collapse ahead. This collapse will occur because the economy cannot really afford high-priced energy products. There are too many adverse feedbacks, including increasing wealth disparity and the likelihood of not enough revenue for governments.

#### We’re hitting critical mass for a new system—financial crisis is the catalyst

Alperovitz, et al, 16—Lionel R. Bauman Professor of Political Economy at the University of Maryland, College Park Department of Government and Politics, former fellow of King's College, Cambridge, founding Fellow of the Harvard Institute of Politics, former Fellow at the Institute for Policy Studies, former Guest Scholar at the Brookings Institution, served as a Legislative Director in the US House of Representatives and the US Senate and as a Special Assistant in the US Department of State (Gar, with James Gustave Speth, Senior Fellow at The Democracy Collaborative, and is Co-Chair of The Next System Project, Ted Howard, President and Co-Founder of The Democracy Collaborative, and Joe Guinan, Executive Director of The Next System Project, Senior Fellow at The Democracy Collaborative, “Systemic Crisis and Systemic Change in the United States in the 21st Century,” <http://thenextsystem.org/wp-content/uploads/2016/09/NSPOberlin-final.pdf>, dml)

The good news is that the inability of traditional politics and policies to address fundamental challenges has fueled an extraordinary amount of experimentation in communities across the United States and around the world. It has also generated increasing numbers of sophisticated and thoughtful proposals that build from the bottom and begin to suggest new systemic possibilities beyond the failed systems of the past and present. It is becoming possible to bring together and extend elements of innovative thinking and realworld practice in key areas to define the underlying structural building blocks of a range of alternatives capable of rebuilding the basis for democracy, liberty, equality, sustainability, and community in the United States in the twenty-first century. Unbeknownst to many, literally thousands of onthe-ground efforts have been developing. These include cooperatives, worker-owned companies, neighborhood corporations, and many little known municipal, state, and regional efforts. These emerging economic alternatives suggest different ways in which capital can be held in common by small and large publics. They include nonprofit community corporations and land trusts that develop lowincome housing, as well as community development financial institutions (CDFIs) that have over $108 billion in assets under their management.56 Employee ownership is also on the rise, involving three million more workers than are members of private sector unions. 57 A third of Americans belong to cooperatives, including credit unions that serve 107 million people and manage $1.3 trillion in assets, almost as much as is managed by Citi. 58 In the public sector, local government economic development programs invest in local businesses, while municipal enterprises build infrastructure and provide services, raising revenue and creating employment, diversifying the base of locally controlled capital. Public utilities, together with co-ops, make up nearly 90 percent of all electricity providers and generate over 20 percent of America’s electricity.59 From California to Alabama, public pension assets are being channeled into job creation and community development.60 Cities and states are looking to the creation of public banking systems like that of North Dakota. Trusts that allow for public ownership and management of natural resources provide revenue streams from capital, recalling the unjustly neglected ideas of James Meade.61 From parks and blood banks to libraries and the internet, commons management systems can provide an expanding zone of decommodification to buffer against the market. Public trusts can be extended into additional domains, from dry land to the electromagnetic spectrum, underwriting public services or issuing a citizen dividend. Community land trusts can ensure affordable housing and prevent disruptive gentrification and speculative real estate bubbles. New public strategies encompass both democratic public ownership and new planning capacities and functions. Even experts working on such matters rarely appreciate the sheer range of activity. Practical and policy foundations have been established that offer a solid basis for future expansion. A body of hardwon expertise is now available in each area, along with support organizations, and technical and other experts who have accumulated a great deal of direct problem-solving knowledge. The idea that we need a “new economy”—that the entire economic system must be radically restructured if critical social and environmental goals are to be met—runs directly counter to the American creed that capitalism as we know it is the best, and only possible, option. Most of the new projects, ideas, and research efforts have thus gained traction slowly and with little national attention. But in the wake of the financial crisis, they have proliferated and earned a surprising amount of support—and not only among advocates on the left. New terms have begun to gain currency in diverse areas with activist groups and constituencies, an indication that the domination of traditional thinking may be starting to weaken. Thus we encounter the sharing economy, the caring economy, the provisioning economy, the restorative economy, the regenerative economy, the sustaining economy, the collaborative economy, the solidarity economy, the gift economy, the resilient economy, the steady state economy, the new economy, and many, many more. There are calls for a Great Transition, or for a reclamation of the Commons. Creative thinking by researchers and engaged scholars is also contributing to the ferment, and policies at the state and local level can help move projects to much more powerful scale and community-wide impact. Larger scale strategic options that build on what is being learned locally are beginning to be sketched as the basis for longer-term national strategies. The press covers very little of this, but the various institutional efforts have begun to develop new strategies that suggest broader possibilities for change. One promising model builds on work in Cleveland, Ohio, where a linked group of workerowned companies has developed, supported in part by the massive purchasing power of local hospitals and universities. These cooperative firms include a solar installation and weatherization company, an industrial scale ecologically advanced laundry, and a greenhouse capable of producing over three million heads of lettuce and 300,000 pounds of herbs a year.62 This effort, modeled in part on the 74,000-person Mondragón cooperative network in the Basque region of Spain, will create new businesses, as time goes on.63 However, its goal is not simply worker ownership, but the democratization of wealth and sustainable community building in general in an extremely poor neighborhood of what was once a thriving industrial city. Linked by a community-serving non-profit corporation and a revolving fund, the companies cannot be sold outside the network; they also return ten percent of their profits to help develop additional worker-owned firms and grow the network. Cities across the United States—and overseas as well—are looking to the Cleveland Model as an inspiration for their own community wealth building efforts. A critical element of the overall sustainability strategy points to what is essentially a quasi-public community stabilizing planning model. Hospitals and universities in the area currently spend $3 billion a year on goods and services—none, until recently, purchased from the immediately surrounding neighborhood. The Cleveland Model is supported in part by decisions of these substantially publicly financed institutions to allocate part of their procurement to the worker-coops in support of a larger community-building agenda. The taxpayer funds that support institutions of this kind thereby do double duty by helping to support the broader community through the new localized purchasing arrangements. The same is true for a range of municipal, state, and other federal policies available to local businesses, including employee-owned firms. Note carefully that such stabilization also undercuts the growth imperative—and suggests principles that can also be applied at higher levels. Such approaches cannot claim to provide all the answers. But a number of exploratory efforts emphasize fundamental changes in underlying political-economic institutions. Developing detailed and sophisticated alternatives that can be refined over time is a prerequisite if we are to stimulate a serious and wide-ranging debate around a broader menu of institutional possibilities for future development than the narrow range of choices commonly discussed. The need for a major change of direction is increasingly obvious. Efforts to cobble together “solutions” to today’s challenges commonly draw upon the very same institutional arrangements and practices that gave rise to the problems in the first place. What is required is a self-conscious effort to face the fact that the system itself has to be changed and a different kind of political economy created. Although precisely what “changing the system” means is obviously a matter of debate, certain key points are clear. The new movements seek a cooperative, caring and community-nurturing economy that is ecologically sustainable, equitable, and socially responsible—one that is based on rethinking and democratizing the nature of ownership at every level and, along with this, challenging the growth paradigm that is the underlying assumption of all conventional policies. In short, these movements seek an economy that gives true priority to people, place, and planet. Such an economy, so different from our own, requires a new vocabulary, beyond the narrow choice between “capitalism” and “socialism.” It’s easy to overestimate the possibilities. Emerging ideas and institutional explorations are limited compared with the power of Wall Street banks and the other corporate giants of the American economy. On the other hand, precisely because the existing structures of power have created enormous economic problems and fueled public anger, the opportunity for a more profound shift exists. Unexpectedly rapid change is not out of the question. We have already seen how, in moments of crisis, the nationalization of auto giants like General Motors and Chrysler can suddenly become a reality. Such crises are likely to be repeated in the future, possibly with more far reaching outcomes over time. When the next financial breakdown occurs, huge injections of public money may well lead to the breakup or de facto takeover of major financial institutions. At the same time, various forms of larger institutional experimentation—and pressure for further experimentation—are also clearly in the cards.

#### The conclusion of Crownshaw advocates for degrowth

**Crownshaw 18** (Timothy Crownshaw, PhD, Department of Natural Resource Sciences, McGill University; Caitlin Morgan, Food Systems Graduate Program, University of Vermont; Alison Adams, Rubenstein School of the Environment, University of Vermont; Martin Sers, Faculty of Environmental Studies, York University; Natália Britto dos Santos, Faculty of Environmental Studies, York University; Alice Damiano, Department of Natural Resource Sciences, McGill University; Laura Gilbert, Department of Natural Resource Sciences, McGill University; Gabriel Yahya Haage, Department of Natural Resource Sciences, McGill University; Daniel Horen Greenford, Department of Geography, Planning and Environment, Concordia University; “Over the horizon: Exploring the conditions of a post-growth world”, The Anthropocene Review 1–25, 2018, https://doi.org/10.1177/2053019618820350)

Ultimately, the primary imperative must be to reduce human impacts and prevent a further loss of carrying capacity, to protect the prospects of present and future societies and the ecosystems they depend upon. This study does not claim to offer the requisite solutions. To the extent these exist, they will be predicated on a mutually enhancing relationship between humans and nature, as described by Leopold and Udall (1966), Berry (1999), Elliot (2005), Brown and Garver (2009), and others. Critically, the issues of economic scale and distribution, which have been largely avoided in political discourse in recent decades, must come to the forefront in a contracting economy. As demonstrated by the abrupt transition from the Holocene to Anthropocene, the limits of the natural world to absorb intensifying human impacts are now being tested, and in many cases, exceeded. However, the growth doctrine is firmly embedded in our present-day institutions and will likely only be dislodged by a crisis precipitated by the end of growth. Therefore, we advocate for an expansion of heterodox thought to include pre-emptive consideration of the future conditions implied by this discontinuity,

alongside the current strategies of resistance to, and reform of, the current economic paradigm.