## OFF

### OFF

#### Undisclosed new cards are a reason to reject the team --- Skews neg prep, makes debate impossible, and creates a moral hazard for aff terrorism --- Disclosing 30 minutes before the round solves their argument --- Independently justifies any terrorism

### OFF

#### By identifies an agent

Lexico, ND (“BY English Definition and Meaning” https://www.lexico.com/en/definition/by)

PREPOSITION

1 Identifying the agent performing an action.

#### Private sector is for profit---the aff is the voluntary sector.

Investopedia 20. Fact checked by MARCUS REEVES Reviewed by THOMAS BROCK on December 25, 2020 “Private Sector”. https://www.investopedia.com/terms/p/private-sector.asp

What is the Private Sector?

The private sector is the part of the economy that is run by individuals and companies for profit and is not state controlled. Therefore, it encompasses all for-profit businesses that are not owned or operated by the government. Companies and corporations that are government run are part of what is known as the public sector, while charities and other nonprofit organizations are part of the voluntary sector.

#### Business practices are money making.

Farlex Financial Dictionary 12. © 2012 Farlex, Inc. All Rights Reserved. https://financial-dictionary.thefreedictionary.com/Business+Practice

Business Practice

Any tactic or activity a business conducts to reach its objectives. Ultimately, a business's objective is to make money. Business practices are the ways it attempts to do so in the most cost effective way. A company may have rules for business practices to ensure that its employees are efficient in their work and abide by applicable laws. See also: Business ethics.

#### CPD is non-profit

The Commission on Presidential Debates ND (it’s the one the aff effects, “Our Mission”, https://www.debates.org/about-cpd/)//babcii

The Commission on Presidential Debates (CPD) was established in 1987 to ensure, for the benefit of the American electorate, that general election debates between or among the leading candidates for the offices of President and Vice President of the United States are a permanent part of the electoral process. CPD’s primary purpose is to sponsor and produce the quadrennial general election debates and to undertake research and educational activities relating to the debates. The organization, which is a nonprofit, nonpartisan, 501(c)(3) corporation, sponsored all of the presidential debates in 1988, 1992, 1996, 2000, 2004, 2008, 2012, 2016, and 2020.

To meet its ongoing goal of educating voters, the CPD is engaged in various activities beyond producing and sponsoring the presidential debates. Its staff prepares educational materials and conducts research to improve the quality of debates.

#### Explodes the topic to millions of affirmatives about NGOs, religious organizations, and charities. They don’t link to any core disads about the economy or private sector which kills negative ground and is a voter for fairness.

### OFF

#### The United States federal government should implement policies to solve warming including but not limited to

#### - Investment in renewables

#### - Common sense regulations

### OFF

#### Our interpretation is that the aff can’t be the courts ---

#### Courts cannot create “antitrust law” and cannot “increase prohibitions”

Kalbfleisch 61 – Kalbfleisch, District Court judge. [Paul M. Harrod Co. v. A. B. Dick Co., 194 F. Supp. 502 (N.D. Ohio 1961)]//babcii

Defendant asserts that the term ‘antitrust laws,’ as used in the above section and as defined in 15 U.S.C.A. § 12, does not include a judgment or decree entered in connection with an antitrust case filed by the Government. Plaintiff, on the other hand, asserts that ‘the violation of the earlier decree of this court in itself gives rise to an independent cause of action under Section 4 of the Clayton Act.’ 15 U.S.C.A. § 15. Plaintiff's Brief, p. 7. Plaintiff concedes that ‘as far as he has been able to ascertain, this contention raises issues which have never before been decided by any appellate court.’ Plaintiff's Brief, p. 5. In Nashville Milk Co. v. Carnation Co., 1958, 355 U.S. 373, 78 S.Ct. 352, 2 L.Ed.2d 340, the Supreme Court held that the Robinson-Patman Act, 15 U.S.C.A. §§ 13-13b, 21a, was not included among the ‘antitrust laws' defined in Section 1 of the Clayton Act (15 U.S.C.A. § 12) and that ‘the definition contained in § 1 of the Clayton Act is exclusive.’ Id., 355 U.S. at page 376, 78 S.Ct. at page 354. The definition of ‘antitrust laws' in 15 U.S.C.A. § 12, clearly embraces only the statutes described therein. Even without such a definition the term ‘antitrust laws' could not be construed as pertaining to a judgment or decree entered by a court in connection with an antitrust case filed by the Government. Such decrees do not necessarily reflect the **prohibitions** of the antitrust laws but may, by their terms, seek to dissipate the effects of the past conduct of the parties and, to this end, frequently enjoin performance of acts lawful in themselves. To permit a private party to recover damages for violation of any provision of such a decree is so obviously beyond the scope of the term ‘antitrust laws,’ as used in the statute, as to require no further discussion. Defendant's motion to dismiss that part of the complaint based on alleged violations of the 1948 consent decree in United States v. A.B. Dick Company will be sustained.

#### Violation – the plan fiats the courts

#### Vote neg for limits and grounds --- Multiplies the # of aff’s by 2, removes any core checks on small aff’s, and allows the aff to circumvent any public backlash

### OFF

#### FTC’s increasing enforcement in privacy now

James V. Fazio 21. Special counsel in the Intellectual Property Practice Group at Sheppard, Mullin, Richter & Hampton LLP, with Liisa M. Thomas, 3/11. “What Is FTC’s Course Under Biden?” https://www.natlawreview.com/article/what-ftc-s-course-under-biden

The new acting FTC chair, Rebecca Kelly Slaughter, recently signaled that the FTC may increase enforcement and penalties in the privacy and data security realm. Slaughter pointed to several areas of focus for the FTC this year, which companies will want to keep in mind: Notifying Consumers About FTC Allegations: Slaughter referred favorably to two recent cases: (1) the Everalbum biometric settlement from earlier this year (which we wrote about at the time); and (2) the Flo Health settlement over alleged deceptive data sharing practices (which we also wrote about at the time). In drawing on these two cases, Slaughter indicated that in future cases the FTC intends to include as part of any settlement a requirement to notify customers of any FTC allegations. This, she said, would allow consumers to “vote with their feet” and help them decide whether to recommend their services to others. FTC Intent to Plead All Relevant Violations: According to Slaughter, another lesson the FTC is taking from the Flo case is to include in the cases it brings all potentially applicable violations of all relevant privacy-related laws. In the Flo case, Slaughter said the FTC should have pleaded a violation of the Health Breach Notification Rule, which requires that vendors of personal health records notify consumers of data breaches. Focus on Ed Tech and COPPA: Given the explosive growth of education technology during COVID-19, the FTC is conducting an industry sweep of the industry. Related to this, the FTC is reviewing its Children’s Online Privacy Protection Act Rule. This goes beyond the refresh the agency did of their FAQs earlier in the pandemic (which we wrote about at the time). For now, Slaughter reminds companies that parental consent is needed before collecting information online from children under the age of 13. Examination of Health Apps: The FTC will take a closer look at health apps, including telehealth and contact tracing apps, as more and more consumers are relying on such apps to manage their health during the pandemic. Overlap Between Competition and Privacy: Slaughter also indicated that it is worth looking at situations where there may be not only privacy concerns, but antitrust as well. Because the FTC has a dual mission (consumer protection and competition) she notes that it has a “structural advantage” over other regulators in that it can look at these issues, especially since -she states- “many of the largest players in digital markets are as powerful as they are because of the breadth of their access to and control over consumer data.” Racial Equality and AI/Biometrics/Geotracking: Slaughter noted that COVID-19 is exacerbating racial inequities. She pointed to the unequal access to technology, as well as algorithmic discrimination (the idea that discrimination offline becomes embedded into algorithmic system logic). The FTC intends to focus on algorithmic discrimination, as well as on the discrimination potentially embedded into facial recognition technologies. (This mirrors concerns that gave rise to the recent Portland facial recognition law, which we recently wrote about). Finally, Slaughter commented on the use of location data to identify characteristics of Black Lives Matter protesters, and said she is concerned about the misuse of location data to track Americans engaged in constitutionally protected speech. Putting it Into Practice: Companies that operate health apps, that are in the education technology space, or that use algorithms or facial recognition tools will want to keep in mind that these are areas of focus for the FTC. And for everyone, keep in mind that the FTC has indicated it will beef up privacy law penalties and will ask for more notification to injured consumers.

#### Antitrust trades off

Tara L. Reinhart, et al. 21. \*\*Head of Skadden, Arps, Slate, Meagher & Flom LLP’s Antitrust/Competition Group. \*\*Steven C. Sunshine, Co-head of Skadden, Arps, Slat, Meagher & Flom LLP’s Antitrust/Competition Group. \*\*David P. Whales, antitrust lawyer with over 25 years of experience in both private and public sectors. \*\*Julia Y. York, partner at Skadden, Arps, Slat, Meagher & Flom LLP. \*\*Bre Jordan, associate at Skadden, Arps, Slat, Meagher & Flom LLP focusing on antitrust law. “Lina Khan’s Appointment as FTC Chair Reflects Biden Administration’s Aggressive Stance on Antitrust Enforcement.” 6/18/21. https://www.skadden.com/insights/publications/2021/06/lina-khans-appointment-as-ftc-chair

Second, like all antitrust enforcers, Ms. Khan and the FTC will face resource constraints. Bringing antitrust litigation is an expensive and laborious process, often requiring millions of dollars for expert fees and a large army of FTC staff attorneys and taking many months or even years to accomplish. Typically, the FTC can only litigate a handful of antitrust matters at a time. It seems likely that Congress will provide more funding to the FTC in the current environment, but even with these extra resources, the FTC will still have to pick its cases carefully and cannot challenge every deal or every instance of alleged unlawful conduct.

#### Extinction

Mike Thomas 20. Quoting AI experts including MIT Physics Professors, Senior Features Writer for BuiltIn. THE FUTURE OF ARTIFICIAL INTELLIGENCE: 7 ways AI can change the world for better ... or worse, Updated: April 20, 2020, <https://builtin.com/artificial-intelligence/artificial-intelligence-future>

Klabjan also puts little stock in extreme scenarios — the type involving, say, murderous cyborgs that turn the earth into a smoldering hellscape. He’s much more concerned with machines — war robots, for instance — being fed faulty “incentives” by nefarious humans. As MIT physics professors and leading AI researcher Max Tegmark put it in a 2018 TED Talk, “The real threat from AI isn’t malice, like in silly Hollywood movies, but competence — AI accomplishing goals that just aren’t aligned with ours.” That’s Laird’s take, too. “I definitely don’t see the scenario where something wakes up and decides it wants to take over the world,” he says. “I think that’s science fiction and not the way it’s going to play out.” What Laird worries most about isn’t evil AI, per se, but “evil humans using AI as a sort of false force multiplier” for things like bank robbery and credit card fraud, among many other crimes. And so, while he’s often frustrated with the pace of progress, AI’s slow burn may actually be a blessing. “Time to understand what we’re creating and how we’re going to incorporate it into society,” Laird says, “might be exactly what we need.” But no one knows for sure. “There are several major breakthroughs that have to occur, and those could come very quickly,” Russell said during his Westminster talk. Referencing the rapid transformational effect of nuclear fission (atom splitting) by British physicist Ernest Rutherford in 1917, he added, “It’s very, very hard to predict when these conceptual breakthroughs are going to happen.” But whenever they do, if they do, he emphasized the importance of preparation. That means starting or continuing discussions about the ethical use of A.G.I. and whether it should be regulated. That means working to eliminate data bias, which has a corrupting effect on algorithms and is currently a fat fly in the AI ointment. That means working to invent and augment security measures capable of keeping the technology in check. And it means having the humility to realize that just because we can doesn’t mean we should. “Our situation with technology is complicated, but the big picture is rather simple,” Tegmark said during his TED Talk. “Most AGI researchers expect AGI within decades, and if we just bumble into this unprepared, it will probably be the biggest mistake in human history. It could enable brutal global dictatorship with unprecedented inequality, surveillance, suffering and maybe even human extinction. But if we steer carefully, we could end up in a fantastic future where everybody’s better off—the poor are richer, the rich are richer, everybody’s healthy and free to live out their dreams.”

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#### The United States federal government should expand the scope of its core antitrust laws to include private business practices that create anticompetitive restrictions on federal electoral debates, enforced by applying a substantial progressive tax on rents from those practices.

#### The CP solves the case by expanding antitrust but, rather than enforcing it with a prohibition, it levies a progressive tax on anticompetitive rents---that’s an instantly effective deterrent AND creates traditional enforcement as follow-on.

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

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

#### Using taxes as a new, independent regulatory tool mainstreams them as an instrument to broadly cushion societal responses to inevitable ecological, demographic, and political crises---extinction.

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

1. Introduction

Environmental problems are of all times. Yet, over the past two decades, climate change, air pollution, natural resource depletion and biodiversity loss have reached the status of worldwide persistent threats (Foxon, Reed, and Stringer 2009). There is increasing consensus in the literature that common policy responses, which are in the main incremental, will not provide structural solutions to those problems (Elzen and Wieczorek 2005). Transition theory links those challenges to socio-technical systems, which fulfil a societal function using technical components, infrastructure, regulations and networks of organisations (Geels and Kemp 2000). A transition is a radical and structural change with economic, cultural, ecological and institutional developments taking place at different levels of the socio-technical system (Rotmans and Loorbach 2009).

An important discussion in transition literature concerns the question of whether transitions, niches and regimes can be governed, or even steered, in a (sustainable) direction. Most transition scholars see an active role for government, but not in the classical way as the top-down commander who can steer at will using its toolbox of instruments (Paredis 2013). Rather, government is seen as just one group of actors (Geels, Elzen, and Green 2004), who are part of the regime but simultaneously shape its adaptive capacity (Smith, Stirling, and Berkhout 2005). Government actors exert a substantial influence on the functioning of the socio-technical system as they often maintain and reproduce regime functions in an intensive manner (Smith, Stirling, and Berkhout 2005).

To address the complexity and long-term focus (one to two generations) of transitions, “existing policy instruments need to be combined with new approaches” (Elzen and Wieczorek 2005, 657). In addition to command-and-control (CAC) instruments and communicative instruments, economic instruments are used in environmental policy (Howlett and Ramesh 2003; Perman et al. 2003). Geels (2012) indicates, in the context of transport systems, that economic instruments can be used to enhance pressure on an unsustainable regime. Chappin (2011) applies simulation models to study the influence of carbon taxes on energy transitions. Although these studies point at the potential of taxation, the theoretical dynamics behind the impact of a tax on the transition process are not yet well understood, and available studies on the topic are scarce. This paper aims to contribute to the growing literature of transition governance by means of an exploratory analysis of the potential of taxation as an instrument to support sustainability transitions. We will do so by combining the literature on environmental taxation with the literature on sustainability transitions, and by identifying the conditions for a tax to have that potential. In our theoretical exploration, we will combine two heuristic frameworks from transition thinking, the multi-level perspective (MLP) and the multi-phase perspective (MPP), with the neoclassical theory of Pigouvian taxation, which is the basis of environmental taxation theory.

This paper is organised as follows. The MLP and MPP are explained in Section 2, along with other transition concepts. In Section 3, an overview is provided of the theoretical foundations of regulatory taxation. Section 4 shows the results of the combination of the theoretical strands of transitions and environmental taxation. Section 5 is dedicated to the limitations and barriers to the potential of environmental taxation, and in Section 6, we draw conclusions and provide suggestions for future research.

2. Transition theory: the MLP and the MPP

The MLP on sustainability transitions distinguishes between three levels (Geels 2004; Verbong and Geels 2007). At the macro level, the landscape represents the external environment of the system. Changes at the landscape level influence the socio-technical system (Markard and Truffer 2008). Examples of such developments are global warming, global economic growth, political crises or demographic evolutions (Geels 2002). At the meso level, the regime is the dominant form of functioning in the socio-technical system (Avelino and Rotmans 2009). The regime can be a dominant technology, institution, policy, practice or culture. At the micro level, niches present alternative (sustainable) technologies, institutions, policies, practices or cultures that cause disruptions in the functioning of the socio-technical system. By experimenting and growing stronger, niches can eventually overtake the role of the regime and install a new dynamic balance in the socio-technical system (Kemp and Loorbach 2006; Loorbach and Wijsman 2013). For example, learning effects from experiments with niche technologies such as photovoltaic energy and wind power in the energy system may make those technologies increasingly successful. After the growing phase, they may also become cheaper than regime technologies such as nuclear and fossil fuel power generation. Those niches exert pressure on the regime, which could, in combination with other pressures from the landscape, policies, market developments and cultures, lead to a replacement of nuclear and fossil fuel-based power by renewables, ending up in a new equilibrium that will be more sustainable than the previous one.

A transition presents a radical and fundamental change in the dominant structure, culture and practices of a socio-technical system (Loorbach and Rotmans 2006). The structure of the system consists of institutional, infrastructure, legal and economic provisions that are inherent to the functioning of the socio-technical system (de Haan 2010). Culture is regarded as the shared values, norms and perspectives, which may be cognitive, normative or ideological in nature, and which underlie the socio-technical system (de Haan and Rotmans 2011). Practices are the routines, habits and procedures operated by the actors in the system, which interact with the structure and the culture of the system.

The change that is required for a transition will not come about in a linear way. Rather, periods of rapid and slow (or no) change can alternate (de Haan and Rotmans 2011). This implies that there are multiple phases in a transition process. Loorbach (2007) describes four phases that together depict an ideal–typical transition process, the MPP. In the first phase, the pre-development phase, actors are engaged in experiments (Kemp and Loorbach 2006). During the take-off phase, the second phase, the regime will show signs of destabilisation and niches will get an opportunity to position themselves as a viable alternative (van der Brugge and Rotmans 2007). Rapid structural and cultural changes in the socio-technical system become visible in the acceleration phase (van der Brugge 2009). In the last phase, the stabilisation phase, a new sustainable regime is established (Avelino and Rotmans 2009).

Transitions are driven by various endogenous and exogenous developments. Exogenous developments are changes at the landscape level. Endogenous developments, on the other hand, are events occurring at the meso level (regimes) and micro level (niches). According to de Haan and Rotmans (2011), there are three groups of conditions for change: tensions, stress and pressure. Tensions are changes occurring at the landscape level threatening the position of the unsustainable regime. A regime that functions inadequately or inconsistently will experience stress, which can nurture the downfall of the regime. Regime pressure or selection pressure, finally, will appear when niches impose themselves on the regime's position by becoming viable alternatives or by making the regime's functioning obsolete. Regime pressure, along with the reactions of regime and niche actors, will create patterns of change (Frantzeskaki and de Haan 2009). When tensions dominate, a reconstellation pattern will appear. Stress and pressure will result in the patterns of, respectively, adaptation and empowerment. When certain patterns chain together, they create transition paths (de Haan 2010). Choices made in the past will affect the path along which transitions will move. Actors are confronted with path dependencies, which may turn into lock-ins. For example, the choice of the authorities of some countries to invest in nuclear power plants has created path dependencies in the energy systems of these countries, which function as lock-ins that prevent a breakthrough to an energy system based on renewable energy.

Two governance approaches within transition science indicate that belief in classical policy solutions is limited. The two most well-known governance models in transition literature are transition management (Loorbach 2007; Kemp and Loorbach 2006; Loorbach and Rotmans 2010) and strategic niche management (Hoogma 2000). Both these governance approaches emphasise the difficulties in steering socio-technical change. Strategic niche management sees the main role of government in process management, creating room for niche experimentation, making sure that the process is not dominated by certain actors, and in learning and facilitating other actors’ learning possibilities (Kemp, Schot, and Hoogma 1998). The other governance approach, transition management, departs from the same view, but presents a process management method for policy-makers wishing to influence burgeoning transition processes (Loorbach and Rotmans 2006). Transition management has been criticised, mainly because the term ‘management’ seems to suggest that it is possible to steer transitions by “deliberate intervention in pursuit of specific goals” in a top-down way (Shove and Walker 2007, 764). Although transition management scholars such as Loorbach and Rotmans develop a more nuanced perspective on the ‘steerability’ of a transition than the name ‘management’ suggests, they do assert that ‘goal-oriented transitions’, in which the policy goals guide the process, exist. This view is not shared by all transition scholars. For example, Dewulf et al. (2009) think that a multiplicity of theories is needed for addressing such complex issues as sustainability. Shove and Walker (2007) question the very starting point of transition management that it is possible to deliberately steer socio-technical system change in any direction.

Both strategic niche management and transition management focus on policies that are aimed at the level of the niches. However, they largely ignore that the destabilisation of incumbent regimes can equally be a valuable strategy, because this could speed up the upscaling of niche technologies (Kivimaa and Kern 2016). Policies discouraging certain niche technologies or practices can play a role here (Turnheim and Geels 2012). Taxation will be further examined as a regime destabilisation instrument, as the main subject of this paper. In addition, ‘policy mixes for creative destruction’ will be explored in Section 4.2.

3. Regulatory and environmental taxation

A basic idea in economics is that markets allocate resources in an efficient way. However, this thesis is only valid under the condition of the presence of well-defined and enforceable private property rights (Perman et al. 2003). If that condition is not met, the market is not capable of creating or maintaining a socially optimal or desirable situation, and market failures appear (Bator 1958). One example of a market failure is the existence of external costs or environmental externalities (Perman et al. 2003). Externalities are “benefits or costs generated as an unintended by-product of an economic1 activity that do not accrue to the parties involved in the activity and where no compensation takes place” (Owen 2004, 129). Pollution resulting from production activities is a typical example of a negative externality imposed on citizens, because the victims of the pollution have no legal rights to claim any compensation for the damage suffered. To resolve this market failure, governments can create property rights for ‘an unpolluted environment’ and give them to the victims, or even to the polluter. In the latter case, the polluter receives a ‘license to pollute’ a certain amount. Following the Coase theorem (Coase 1960), depending on the specific circumstances, this situation will lead to an equally efficient outcome as compared to victim property rights. However, from an equity point of view, the two solutions generate entirely different outcomes, as in the one case it is the polluter who pays, and in the other it is the victim (Perman et al. 2003). In theory, the polluter and the victims could bargain and agree on compensation for the damage based on the victim's or polluter's property rights, in which case government intervention becomes redundant (Coase 1960). In practice, however, the large number of victims and polluters and the costs of bargaining often prevent an optimal outcome of private bargaining. In that case, government regulation, through the use of CAC instruments, economic instruments or suasion, is needed (Perman et al. 2003). In this paper, we focus on the use of taxation as a regulatory2 policy instrument in response to existing market failures. Regulatory taxes aimed at environmental improvement are called environmental taxes.3 An alternative name is Pigouvian taxation, after the twentieth-century economist Arthur C. Pigou, who developed the idea to use taxation to tackle externalities (Pigou 1920). According to Pigou, an environmental tax equal to the marginal damage at the efficient pollution level maximises allocative efficiency and welfare. The theory of Pigouvian taxation belongs to the neoclassical economic perspective, which assumes that economic agents act in a rational way according to their individual preferences in such a way that their utility (or profit for companies) is maximised (rational choice theory). Moreover, neoclassical economics assumes that preferences are fixed, as an exogenous factor, which was the dominant assumption until the 1990s (Arnsperger and Varoufakis 2006). Later, some economists regarded preferences as fixed in the short run, but subject to change in the long run (Doyle 2004). Others completely dismissed the notion of fixed preferences stating that individual preferences change as a result of past outcomes, and sometimes even rapidly and systematically (Van Boven, Loewenstein, and Dunning 2003).

In a first-best world with no uncertainty, regulatory taxes are statically efficient because the emission reductions are achieved while using a minimum amount of resources (Sandmo 2000). They are dynamically efficient because taxpayers will be inclined to seek further reduction methods due to the fact that the undesirable behaviour remains taxed (Faure and Weishaar 2012). In this theoretically ideal situation, a tax always leads to a more efficient solution than a licence or other CAC type of instrument. However, if complexity or uncertainty is introduced, many authors criticise Pigou's theory on the optimal level of an externality tax. Although a complete review of this literature exceeds the scope of this paper, we present three of the most important critiques. First, Coase (1960) dismissed the idea that a tax equal to the marginal damage cost increases total welfare in all situations. When there is uncertainty about the marginal abatement cost curves of polluting firms, the comparison changes. Taxes keep the edge over CAC instruments when the (absolute value of the) slope of the marginal abatement cost curve is greater than the slope of the marginal damage curve. Conversely, when the marginal abatement cost curve is less steep than the marginal damage curve, CAC instruments are to be preferred to taxes (Perman et al. 2003; Baumol and Oates 1988). Second, Baumol and Oates (1988) add that it is often hard to calculate the monetary value of the marginal damage of the polluting activity, in which case a standard may also be the recommended instrument choice. And third, in case of monopoly or oligopoly, the optimal tax rate may vary from lower to higher than the marginal damage (Ebert and von dem Hagen 1998).

An important element in the discussion on the optimal tax rate is the price elasticity of demand, which is not static. The absolute value of demand elasticities tends to increase over time (Lipsey and Chrystal 2007; Pindyck and Rubinfeld 2009). The reason is that demand elasticity is, in fact, mainly determined by the availability of substitutes. Investment decisions are made with a long-term perspective, and in the long run, more options are available for developing new (clean) technologies than in the short run (OECD 2000). For example, Sterner (2007) estimated that the demand elasticity of petrol and diesel in the long run is about three times higher than in the short run.

In addition to determining the correct tax rate, other tax design elements need to be decided. First, the tax base, which is the object that is taxed (Sandmo 2000), needs to be chosen. This can be input products, output products, production factors (energy), production (processes, activities or techniques), consumption or emissions (Vollebergh 2008; Weber 2011). The most effective way of eliminating externalities is by choosing the externality itself (e.g. CO2 emissions) as the tax base (OECD 2010). In practice, emission-measuring problems often hinder direct taxation of emissions. Proxies, such as petrol sold as a transport fuel, then form alternative tax bases (Dias Soares 2011). Second, tax rates can be differentiated (Määttä 2006), in which case certain products, processes or groups of taxpayers are granted a lower tax rate or are exempt from the tax. Third, a tax can be implemented at one specific moment in time or in multiple phases whereby the tax rate is raised or reduced in each phase.

4.1. (In)compatibility arguments

The transition school sees public authorities as just one group of actors in a socio-technical system. They are an important actor, but they cannot steer a transition in a top-down way (Kemp, Rotmans, and Loorbach 2007). Traditional decision-making models, including neoclassical economics, are mostly rejected based on the following four arguments. First, traditional policy-making is deemed unfit for dealing with high-complexity, long-term, wicked societal problems, because the knowledge on ecological cause–effect relations is often limited and political compromises inevitably lead to incrementalism as opposed to structural system change (Rotmans, Loorbach, and Van derBrugge 2005; Kemp, Rotmans, and Loorbach 2007; Mathijs 2008). Second, the existing policies are the result of outdated legislation, routines and institutional relations and are characterised by path dependency and technological lock-in (Rotmans, Loorbach, and Van der Brugge 2005). Third, the view of neoclassical economics on the preferences of individuals is too static, while instead a transition would require changing preferences (Kemp, Rotmans, and Loorbach 2007). Finally, steering a transition towards sustainability involves a subjective interpretation of sustainability, which “should arise from a multi-actor process, involving a balanced diversity of stakeholders” (van der Brugge, Rotmans, and Loorbach 2005, 167). Geels (2012) describes transitions as co-evolutionary processes, which require the involvement of many social groups. Network management in decision-making would be a step forward, but even those policy networks are not necessarily concerned with the long term (Kemp, Rotmans, and Loorbach 2007).

Transition management is a governance approach based on transition theory, which proposes a bottom-up approach to steer a transition, based on multi-actor involvement. However, it does not offer a full-fledged alternative to traditional policy-making, as it is “not directly solution-oriented, but explorative and design-oriented” (Rotmans, Loorbach, and Van der Brugge 2005, 6). Therefore, some transition scholars revert to other academic fields, such as evolutionary economics to analyse sustainability transitions and related policy strategies. Inspired by the field of biology, this field focuses on three central concepts: diversity, selection and innovation. Models from evolutionary economics can cope with complexity; they deviate from neoclassical economic theories by acknowledging that economic agent behaviour is explained by bounded rationality (van den Bergh, Hofkes, and Oosterhuis 2006). People's rationality is bounded because of a lack of appropriate and reliable information, limited cognitive capacities and limited decision-making time (Kahneman 2003; Simon 1955). Evolutionary economics leaves more room for environmental taxation than most transition studies, although it emphasises the need for a combination of policy instruments or policy mixes (van den Bergh et al. 2006). The role of policy mixes for sustainability transitions is further treated in Section 4.2.

So, if the neoclassical policy instrument of environmental taxation is so hard to reconcile with the bottom-up governance principles of transition theory, is it still worthwhile to study the combination? Four arguments support an affirmative answer. First, as we demonstrated in Section 3, the impact of environmental taxation is much higher in the long run than in the short run, which gives this instrument an interesting appeal considering the fundamental long-term change transition theory describes. Second, when the economy is (threatening to get) stuck in a technology that is not serving the long-run transition goal, a regulatory tax on that technology may unlock (further) lock-in, thus avoiding an important obstacle for a sustainability transition (den Butter and Hofkes 2006). Third, policy attention tends to go to supporting niches but much less to destabilising the dominant regime, which is politically more difficult. However, according to Kivimaa and Kern (2016), niche support policies will need to go hand-in-hand with regime destabilisation policies aimed at internalising externalities. A tax on the dominant regime technology is particularly suitable for that purpose (Geels and Schot 2007). Fourth, the bounded rationality concept embraced by transition theory still incorporates a level of rationality, implying that a price signal may still have an effect.

We conclude that there is no consensus on the use of regulatory taxes to enhance sustainability transitions. Some scholars see a role for taxation, but rather as one part of a more comprehensive policy mix (Geels 2006; Kemp, Schot, and Hoogma 1998; Markard and Truffer 2008).

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#### The United States Federal Government should establish revokable positive incentives for and promote self-regulation that ends business practices that create anticompetitive restrictions on federal electoral debates

#### The counterplan solves best and avoids the business confidence DA by giving firms choice. Voluntary self-regulation is more effective in creating sustained compliance

Hung Hao Chang and Daniel Sokol 20, Chang is Professor, Department of Agricultural Economics, National Taiwan University, Sokol is Professor, University of Florida Levin College of Law and Senior Advisor, White & Case LLP, “Advocacy versus Enforcement in Antitrust Compliance Programs,” Jnl of Competition Law & Economics (2020) 16(1): 36-62, March 2020, lexis.

\*ACPs=Antitrust Compliance Programs

Abstract: We focus on the question of why firms self-regulate to avoid more severe public regulation in the area of antitrust compliance. We distinguish the effects of an antitrust authority's outreach and enforcement on firms' adoption of antitrust compliance programs. Furthermore, we examine the mechanism that may drive an antitrust authority's actions on firms' decisions to adopt compliance programs. Using a 2-year survey of 432 firms drawn from the top 300 Taiwanese enterprises and applying mediation analysis, we find that "voluntary" self-regulation actions, encouraged by the antitrust authority to promote compliance programs through advocacy, significantly increase the creation of antitrust compliance programs. Moreover, "coercive" actions of the antitrust authority in terms of enforcement are less effective than voluntary actions for firms' compliance program creation. Within "coercive" actions, large fines are more likely to lead to the adoption of antitrust compliance programs relative to other forms of government prosecution. JEL: K21; L41; L13; L11 Competition Law I. Introduction Jnl of Competition Law & Economics (2020) 16(1): 36-62, Jnl of Competition Law & Economics (2020) 16(1): 36-62 Compliance plays an increasingly important role in business strategy and behavior. This paper studies the role of compliance in the field of antitrust. Antitrust compliance and the creation of antitrust compliance programs have become important for firms due to increased enforcement in Europe, the United States, and Asia 1 , for example, fines for collusion in auto parts, LIBOR, and capacitors by antitrust authorities in the United States and Europe total billions of dollars. 2 Antitrust is a form of regulation that addresses the unlawful exercise of monopoly power through exclusion, collusion, or predation. 3 These behaviors occur both ex ante, in the context of mergers, as well as ex post, in terms of conduct involving one or more firms. Much of international antitrust enforcement has focused on issues of collusion, which global norms have pushed to the forefront of enforcement 4 in addition to mergers and noncollusion conduct cases. Many of the largest penalties in terms of financial sanctions and incarceration (for some countries, most notably the United States) have been the result of collusion-price fixing, output and territorial restrictions, and bid rigging. For example, the fines per cartel average have been higher in the past fifteen years in both the European Union and the United States than any prior period. 5 It is primarily due to concerns about collusion that a number of antitrust authorities have set up compliance guidelines to assist firms in compliance efforts. This paper examines the determinants of a firm's adoption of antitrust compliance programs (ACPs). In particular, it focuses on the role of the antitrust authority's action on firms' adoption of ACPs. The specific objective of this paper is to provide answers to the following four questions: (1) does the antitrust authority's action affect a firm's adoption of ACPs?; (2) does the antitrust authority's action have effects on different types of ACPs?; (3) do the "voluntary" (through outreach and advocacy) and "coercive" (through law enforcement) actions by the antitrust authority result in different impacts on a firm's adoption of an ACP?; and (4) what is the mechanism or pathway that can link the antitrust authority's action to firms' ACPs adoption? Put another way, the final question asks how the antitrust authority's action can have an impact on a firm's decision to adopt an ACP. Although there is a sizable body of literature that has focused on a firm's adoption of corporate compliance programs, 6 to the best of our knowledge, this study is among the first to empirically answer the above questions on a firm's behavior or decisions regarding the adoption of antitrust compliance programs. To answer our research questions, we collected a sample of **432 firms** in 2012 and 2016, drawn from the top 300 Taiwanese enterprises. We estimate a mediation model to quantify the effects of the antitrust authority's actions on a firm's propensity to adopt an ACP. The mediation model can empirically test whether a proposed mediator can have statistical power to explain the program effect on the outcome of interest. 7 Moreover, how much the mediator contributes to the overall program effect can be further quantified. 8 To apply the mediation model to antitrust compliance programs, the outcome variable of interest is defined as the decision of the firm to adopt an antitrust compliance program. We consider two different types of an antitrust authority's actions: the voluntary actions, encouragement through advocacy and outreach programs, and the coercive actions through agency enforcement. The awareness or knowledge of the firm about antitrust law is used as the mediator that links the effects of antitrust authority actions to firms' adoption of ACPs. Our empirical analysis reveals some interesting findings. First, we find a positive effect of antitrust authority actions on firm adoption of ACPs. Furthermore, voluntary self-regulation actions by firms due to efforts made by the antitrust authority to promote compliance through advocacy have a stronger effect on antitrust compliance program creation than do coercive actions. Next, the awareness or knowledge of a firm of antitrust law can be seen as a mediator. That is, the antitrust authority's voluntary or coercive actions can increase the awareness or knowledge of a firm regarding antitrust law. The competition authority's actions subsequently increase a firm's likelihood to adopt an ACP. We infer a number of policy implications from our findings. To promote firms' adoption of ACPs, voluntary actions through advocacy and outreach programs may be more effective than coercive actions through antitrust case investigations. II. Contributions of this Study Our study is relevant to the specific question of why firms self-regulate to avoid more severe public regulation. 9 This line of research explores the complexity of public interest and its interrelationship with private interests. This includes how addressing policy issues such as enforcement of law may create strategies for firms. 10

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#### Broadening antitrust causes rent-seeking and uncertainty – wrecks growth

Keating 21 (Raymond J. Keating – Small Business & Entrepreneurship Council chief economist, February 24 2021, “The Treacherous Turn on Antitrust Regulation of U.S. Tech Companies”, https://sbecouncil.org/2021/02/24/the-treacherous-turn-on-antitrust-regulation-of-u-s-tech-companies/, accessed 8/16/21, DL)

• Proposal: “Reasserting the anti-monopoly goals of the antitrust laws and their centrality to ensuring a healthy and vibrant democracy.” – “[T]he Subcommittee recommends that Congress consider reasserting the original intent and broad goals of the antitrust laws by clarifying that they are designed to protect not just consumers, but also workers, entrepreneurs, independent businesses, open markets, a fair economy, and democratic ideals.” Response: This proposal would toss out the consumer welfare standard, and replace it with a broad basis for undermining businesses that have earned considerable market share. Antitrust actions would return to a period in which politics, special interest influences, rent-seekers, and uncertainty held even greater sway over the realm of antitrust – even more so than it does today. By effectively giving more control over business decisions and models to a political class that often fails to understand current business and market conditions, never mind where industries and markets are headed in the future, there inevitably will be losses in terms of innovation, investment, efficiency, and growth. • Proposal: “Structural separations and prohibitions of certain dominant platforms from operating in adjacent lines of business.” – “Structural separations prohibit a dominant intermediary from operating in markets that place the intermediary in competition with the firms dependent on its infrastructure. Line of business restrictions, meanwhile, generally limit the markets in which a dominant firm can engage.” Response: Again, having government determine and dictate business decisions, rather than having decisions made by businesses and entrepreneurs subject to market competition and consumer sovereignty would mean lost innovation, productivity and consumer benefits.

#### Slow growth goes nuclear – breaks down global cooperation

**Landay 17** (Jonathan – Reuters National Security Correspondent, 1/9/17, “U.S. intelligence study warns of growing conflict risk”, <https://www.reuters.com/article/us-usa-intelligence-future-idUSKBN14T1J4>)

WASHINGTON (Reuters) - The risk of **conflicts** between and within **nations** will **increase** over the next five years to levels not seen since the Cold War as **global growth slows**, the post-World War Two order erodes and **anti-globalization** fuels **nationalism**, said a U.S. intelligence report released on Monday. “These **trends** will converge at an unprecedented pace to make governing and **cooperation** harder and to change the **nature of power** – fundamentally altering the **global landscape**,” said “Global Trends: Paradox of Progress,” the sixth in a series of quadrennial studies by the U.S. National Intelligence Council. The findings, published less than two weeks before U.S. President-elect Donald Trump takes office on Jan. 20, outlined factors shaping a “dark and difficult near future,” including a more assertive **Russia** and **China**, **regional conflicts**, **terrorism**, rising **income inequality**, **climate change** and **sluggish economic growth**. Global Trends reports deliberately avoid analyzing U.S. policies or choices, but the latest study underscored the complex difficulties Trump must address in order to fulfill his vows to improve relations with Russia, level the economic playing field with China, return jobs to the United States and defeat terrorism. The National Intelligence Council comprises the senior U.S. regional and subject-matter intelligence analysts. It oversees the drafting of National Intelligence Estimates, which often synthesize work by all 17 intelligence agencies and are the most comprehensive analytic products of U.S intelligence. The study, which included interviews with academic experts as well as financial and political leaders worldwide, examined political, social, economic and technological trends that the authors project will shape the world from the present to 2035, and their potential impact. ‘INWARD-LOOKING WEST’ It said the threat of **terrorism** would grow in coming decades as small groups and individuals harnessed “**new technologies**, ideas and relationships.” **Uncertainty** about the **U**nited **S**tates, coupled with an “inward-looking West” and the weakening of international human rights and conflict prevention standards, will encourage **China** and **Russia** to challenge **American influence**, the study added. Those challenges “will stay below the threshold of hot war but bring **profound risks** of **miscalculation**,” the study warned. “Overconfidence that material strength can manage escalation will **increase** the **risks** of **interstate conflict** to levels not seen since the Cold War.” While “hot war” may be avoided, differences in values and interests among states and drives for regional dominance “are leading to a **spheres of influence** world,” it said, The latest Global Trends, the subject of a Washington conference, added that the situation also offered opportunities to governments, societies, groups and individuals to make choices that could bring “more hopeful, secure futures.” “As the paradox of progress implies, the same trends generating near-term risks also can create opportunities for better outcomes over the long term,” the study said. THE HOME FRONT The report also said that while globalization and technological advances had “enriched the richest” and raised billions from poverty, they had also “hollowed out” Western middle classes and ignited backlashes against globalization. Those trends have been compounded by the largest migrant flows in seven decades, which are stoking “nativist, anti-elite impulses.” “**Slow growth** plus technology-induced **disruptions** in **job markets** will threaten poverty reduction and **drive tensions** within countries in the years to come, fueling the very **nationalism** that contributes to tension between counties,” it said. The trends shaping the future include contractions in the working-age populations of wealthy countries and expansions in the same group in poorer nations, especially in Africa and South Asia, increasing **economic**, employment, urbanization and welfare **pressures**, the study said. The world will also continue to experience weak **near-term growth** as governments, institutions and businesses struggle to overcome **fallout** from the Great **Recession**, the study said. “**Major economies** will confront **shrinking workforces** and **diminishing productivity** gains while recovering from the 2008-09 financial **crisis** with **high debt**, **weak demand**, and doubts about globalization,” said the study. “China will attempt to shift to a consumer-driven economy from its longstanding export and investment focus. **Lower growth** will **threaten poverty reduction** in developing counties.” **Governance** will become **more difficult** as issues, including global **climate change**, **environmental degradation** and **health threats** demand **collective action**, the study added, while such cooperation **becomes harder**.

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#### The United States federal government should increase prohibitions on the private sector without using anti-trust law by establish a purpose-built competition agency comprised of industry and subject matters experts that establish basic rules of conduct, including at least prohibiting private business practices that create anticompetitive restrictions on federal electoral debates

#### CP solves --- establishes a new agency with full authority and acts fast

Lohr, 20 (Steve Lohr, Pulitzer Prize for Explanatory Reporting, a foreign correspondent for a decade, , 10-22-2020, accessed on 5-16-2021, The New York Times, "Forget Antitrust Laws. To Limit Tech, Some Say a New Regulator Is Needed.", <https://www.nytimes.com/2020/10/22/technology/antitrust-laws-tech-new-regulator.html)//Babcii>

But even as the [Justice Department filed an antitrust suit against Google](https://www.nytimes.com/2020/10/20/technology/google-antitrust.html) on Tuesday for unlawfully maintaining a monopoly in search and search advertising, a growing number of legal experts and economists have started questioning whether traditional antitrust is up to the task of addressing the competitive concerns raised by today’s digital behemoths. Further help, they said, is needed. Antitrust cases typically proceed at the stately pace of the courts, with trials and appeals that can drag on for years. Those delays, the legal experts and economists said, would give Google, Facebook, Amazon and Apple a free hand to become even more entrenched in the markets they dominate. A more rapid-response approach is required, they said. One solution: a specialist regulator that would focus on the major tech companies. It would establish and enforce a set of basic rules of conduct, which would include not allowing the companies to favor their own services, exclude competitors or acquire emerging rivals and require them to permit competitors access to their platforms and data on reasonable terms. The British government has already said it would create a digital markets unit, with calls for a Big Tech regulator to also be introduced in the European Union and in Australia. In the United States, recommendations for a digital markets regulator have also been made in expert reports and in congressional testimony. It could be a separate agency or perhaps a digital division inside the Federal Trade Commission. Significantly, the leading proponents of this path in the United States are mainstream antitrust experts and economists rather than break-’em-up firebrands. Jason Furman, a professor at Harvard University and chair of the Council of Economic Advisers in the Obama administration, led [an advisory group to the British government](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/785547/unlocking_digital_competition_furman_review_web.pdf) that recommended the creation of a digital markets unit in 2019. Breaking up the big tech companies, Mr. Furman said, is a bad idea because that would risk losing some of the consumer benefits these digital utilities undeniably deliver. A regulator is necessary to police digital markets and the behavior of the tech giants, he said. “I’m a small ‘c’ conservative, and I’m not a fan of regulation generally,” Mr. Furman said. “But it’s needed in this space.” Regulators that focus on specific sectors of the economy are common in the United States. For financial markets, there is the Securities and Exchange Commission; for airlines, the Federal Aviation Administration; for pharmaceuticals, the Food and Drug Administration; for telecommunications, the Federal Communications Commission; and so on. There is also precedent for picking out a handful of big companies for special treatment. In banking, the biggest banks with the most customers and loans are classified as “systemically important financial institutions” and subject to more stringent scrutiny. Several supporters of a new tech regulator were officials in the Obama administration, which was known for being friendly to Silicon Valley. But the advocates said that experience — as well as the conservative, pro-big business drift of court rulings in recent years — left them [frustrated with antitrust law](https://www.nytimes.com/2018/09/07/technology/monopoly-antitrust-lina-khan-amazon.html) as the only way to restrain the growing market power and conduct of the big tech companies. “The mechanism of antitrust is not working to protect competition,” said Fiona Scott Morton, an official in the Justice Department’s antitrust division in the Obama administration, who is an economist at the Yale University School of Management. “**So let’s do something else — use a different tool.”**

### OFF

#### The scope of competition law defines it goals---attempts to meet current goals by banning practice are implementation questions.

ESE No Date. Erasmus School of Economics (as per their website, “The Erasmus Center for Economic and Financial Governance is an international multidisciplinary network of leading researchers and societal stakeholders initiated by researchers from Erasmus School of Economics and Erasmus School of Law. ECEFG conducts interdisciplinary research (law, economics and political science) and contributes to current debates in public and in academia on issues relating to European and global economic and financial governance.”). "Competition Policy". <https://www.eur.nl/en/ese/affiliated/ecefg/research/competition-policy>

Competition Policy

Research in this field consists of two broad areas. The first area – Theory and Implementation of Competition Law and Policy – refers to fundamental and applied research into topics that are traditionally seen as the core of competition policy. The second area – Scope of Competition Law and Policy – refers to all research on the effect and desirability of including new considerations in competition law and policy in order to address the challenges of our time, such as the increasing power of big tech firms, or global warming.

Theory and Implementation of Competition Policy

This covers for instance collusion, abuse of dominance, mergers, market regulation and state aid. Some examples of research topics are:

* the practices firms can use to engage in collusion and its welfare consequences;
* the practices firms can use to abuse a dominant position and its welfare consequences;
* which practices can be considered proof of such activities;
* how to regulate access to a market;
* how to properly assess the effects of a particular practice or merger;
* the practices, by which the state and public authorities distort competition such as subisidies and tax measures
* the interpretation and application of EU and national competition law by Competition Authorities and Courts and the extent to which they achieve the goals of competition policy

Scope of Competition Policy

The effectiveness of European competition law and policy in combination with rapid technological changes have raised questions about its proper scope. Which policy objectives can and should be pursued by means of competition law and policy, and which should be delegated to other legal fields and policies? Some examples of specific research questions include:

* Can and should competition law be used to protect the privacy of consumers on the internet?
* Information gathered by firms can be used to increase their own profits. How does this affect consumers, and what does this depend on? Can and should competition law deal with market power derived from information gathering? For instance, should the big five tech giants be forced to divest activities?
* Should competition policy also include considerations of economic inequality or environmental effects?
* Can competition law remain effective if it is used for more than safeguarding fair competition?

#### That means the aff must replace the consumer welfare standard.

Trevor Wagener 21. "The Curse of Tradeoffs: Neo-Brandeisians vs. Consumers". Disruptive Competition Project. 5-21-2021. https://www.project-disco.org/competition/052121-the-curse-of-tradeoffs-neo-brandeisian-antitrust-versus-consumers/

Neo-Brandeisians seek to replace the longstanding objective and principles-based framework of the consumer welfare standard in antitrust enforcement with an amorphous, process-based framework guided by an ethos one Neo-Brandeisian described as: “Big is bad. Just don’t let big firms merge. The end.” A movement dedicated to replacing a consumer welfare-maximizing approach with an assortment of competing goals has proven unable to offer a quantified, systematic cost-benefit analysis justifying such a radical change, instead relying upon anecdotal evidence and moving prose. The many goals of the Neo-Brandeisian approach are often rhetorically appealing, but the rhetoric hides a simple truth: When you target every variable, you effectively target none. Addressing a wide range of goals through antitrust policy requires de-emphasizing consumer welfare, creating fundamental tradeoffs expected to harm consumers relative to the status quo.

The willingness to sacrifice consumer welfare in order to achieve other ends is a defining characteristic of Neo-Brandeisian antitrust. This is illustrated by concrete Neo-Brandeisian critiques, which typically emphasize perceived harms to businesses rather than harms to consumers. For example, the Neo-Brandeisian activist group American Economic Liberties Project (AELP) published a pair of policy briefs on May 3 that criticize online service operators for a litany of purported inconveniences to businesses over a combined 22 pages, but struggle to quantify any harms to ordinary consumers and users. Those few purported harms to consumers that AELP raised are distinctly qualitative rather than quantitative, consistent with the broader reluctance of prominent Neo-Brandeisian thinkers to conduct a rigorous quantitative cost-benefit analysis of their antitrust policy prescriptions relative to the consumer welfare standard.

#### Vote negative for limits and ground---only “change goals” creates key economy and legal disads over what antitrust should consider---the affs topic races to tiny exemptions and technical changes with no core ground.

## Case

### Advantage 1

#### Soft power fails

**Cull 13** (Nicholas – USC public diplomacy professor, “Why projecting soft power is so hard to do”, 6-14, <http://russia-direct.org/content/why-projecting-soft-power-so-hard-do>)

The theory of soft power, as articulated by Joseph Nye, rests on the notion that admirable culture and attractive values can be harnessed to the ends of foreign policy as power. His book "Soft Power" (2004) was subtitled “The Means to Success in World Politics.” The problem is that the quest for success is not itself value neutral: a nation that is too obvious in the way it uses soft power to advance its own ends can end up repelling rather than attracting. Countries too eager to embrace soft power can come off like the stereotypical Don Juan, whose powers of attraction eventually taught women to be wary. Others, overconfident in their positive qualities, choose the wrong aspect to emphasize and end up the butt of jokes. In the context of soft power, this mockery is leveled against countries whose public diplomacy degenerates into propaganda. A further problem stems from a divergence in tastes in what is considered attractive. Soft power – like beauty – is in the eye of the beholder. The same tactics don’t work in every context. For example, the soft power of the United States is rooted in an identification of its culture with the sovereignty of the individual; in contrast, Russia presents itself as guardian of the principle of the sovereignty of the nation-state. Both sets of values have their admirers, but seldom in the same location. Already powerful states attempting to deploy soft power face an additional challenge – public empathy and admiration naturally adheres to those who have suffered. Global outpourings of support for the Dalai Lama or the United States in the days after 9/11 are examples of this. Nations that hope to trade on their success are often met with increased skepticism or mistrust. What, then, does this mean for countries – the United States and Russia included – that wish to harness soft power in their dealings with the world? First, they must acknowledge that a nation’s soft power is not kept in a vault at the White House or Kremlin, but lies in the mind of every one of the billions of people around the world who has an opinion about the country. Secondly, they must realize that when attempting to deploy soft power, your opinion isn’t important; your audience’s is. Therefore, those working on soft power campaigns must be able to step outside their own cultural context and look at their country from a foreigner’s perspective. Third, what works for one country isn’t guaranteed to work for another. India is able to leverage soft power in the form of Bollywood movies, which are loved by millions around the world. China has no cultural equivalent; Chinese calligraphy and ceramics will never be sufficiently relevant to a large enough number of people. Efforts focusing on promoting China’s development projects or spectacular scientific discoveries would likely have more success. And finally, while there are few moral perceptions around the world that are universally accepted, a near ubiquitous mistrust of power exists. Promoting a soft power narrative that emphasizes success and dominance in a field or organization might not be as effective as one that focuses on a disadvantaged city, region or group – which exist in every country. In the final analysis, soft power lies in the allure one person feels for another. And this is why the most enduring soft power strategies have been those founded on people-to-people exchanges. Despite all the efforts of a state government to control its image through a soft power campaign, in the end it comes down to winning the hearts and minds of individuals – something that cannot be ordered from the top down.

#### No diversionary war --- it’s exaggerated

Håkan Frisén 17, Head of Economic Forecasting at SEB, 2-22-17, "Global economy resilient to new political challenges," https://sebgroup.com/press/news/global-economy-resilient-to-new-political-challenges

The interplay between economics and politics was undoubtedly a dominant feature of analyses during 2016. As we know, it was difficult to foresee both election results and their economic consequences. It was certainly not strange that economists were unable to predict the Brexit referendum outcome or Donald Trump’s victory, when public opinion polling organisations and betting firms failed to do so, but lessons might be learned from the economic assessment impacts they made. Economists probably tend to exaggerate the importance of more general political phenomena. While in the midst of elections that appear historically important, it is tempting to present alarmist projections about election outcomes that seem improbable and/or unpleasant. But once the initial shock effect has faded, more ordinary economic data such as corporate reports and macroeconomic figures take the upper hand. ¶ Psychological effects often exaggerated¶ One important observation is that it is difficult to find any historical correlation between heightened security policy tensions and economic activity. Households and businesses do not seem to be especially sensitive in their consumption or capital spending behaviour. This is perhaps because uncertainty is offset by investments in a defence build-up, for example. Only when the conditions that directly determine profitability and investments are affected, for example via rising oil prices or poorly functioning financial markets, will the effects become clear.¶ Markets also seem to have a general tendency to assume that the economic policy makers can actually behave rationally in crisis situations, until this has been disproved. Both during the US sub-prime mortgage crisis of 2007-2008 and the euro zone's existential crisis a few years later, for a rather long time the market maintained its faith that a response would come. Not until after a lengthy period of inept actions by decision makers did these crises become genuinely acute, with large secondary effects as a consequence. This market "patience" is presumably based on a long-time pattern of recurring bailout measures by governments and central banks, which usually benefit risk-taking at the expense of caution or speculation that policy responses will not materialise.¶ It is reasonable to assume that this may also underpin the rather cautious reactions to the risks associated with the Trump administration's agenda. Although one cannot complain about the administration's power of initiative, there is a fairly high probability that in important areas it will not go from words to actions. There may be various reasons for this, such as the inertia built into the separation of powers between the White House, Congress and the court system, or expectations that Trump's newly appointed cabinet secretaries and advisors will eventually take their cues from more established US positions.

**Zero chance of US civil war**

**Linker 18** (Damon Linker is a senior correspondent at TheWeek.com. He is also a consulting editor at the University of Pennsylvania Press, a former contributing editor at The New Republic, and the author of The Theocons and The Religious Test, “If you think another civil war is imminent, get off Twitter,” The Week Sept 26, 2018, <https://theweek.com/articles/798002/think-another-civil-war-imminent-twitter>)

Is it true? **Should Americans** on both sides of our ideological divide **be** stocking up on ammunition and **preparing for** the imminent outbreak of **hostilities**? **The answer is no.** It's true that politically engaged Democrats and Republicans, progressives and conservatives, left-wing and right-wing activists and opinion journalists increasingly despise each other and express that loathing with verbal viciousness online. But of course **a digital conflagration is quite a bit different than a real one,** **and there is precious little evidence** — actually, almost none — **that our online warfare is translating into real-world violence.** **We also have no reason**, thus far, **to think this will change.** This reality can be a challenge to recognize and accept. That's because the emotions triggered by antagonists on social media are intense, and spending one's time immersed in digital battles can give the impression that the world itself is becoming a mosh pit of hatred and rage. But it isn't. Just as one could be forgiven for concluding from his tweets that President Trump is an actual tyrant (when in fact he's a remarkably impotent president), so online mêlées feel like evidence of real-world civil unrest and looming violence. But they're not. **They're the expression of the passions of a small number of highly polarized, intensely committed partisans** whipping themselves into ever-greater paroxysms of rage while most of the rest of the country goes about its business largely unaware of the tumult. If you doubt it, **compare the real world of the past couple of years with any comparable span of time during the late 1960s or early 1970s.** **Political assassinations; widespread, large, and sometimes violent protests; race riots and burning cities; regular terrorist bombings — all of this was commonplace during those years,** and all of it looks far more like the early stages of a civil war than anything happening now. **Yet of course there was no civil war in America 50 years ago.** Still less is one about to break out in the present. Instead, **we have a reality-show civil war played out online**, on talk radio, and on prime time cable news, like a video game in which participants (some of them anonymous) succumb to furious outrage and delight in provoking it in others. The virtual reality can be so convincing and all-consuming that those immersed in it find it difficult to separate their own partially performative fury from what's really going on around them in the wider world. Don't believe me? Consider the numbers: **During prime time**, somewhere between two and **three million people watch** right-slanted **Fox News**, with Rachel Maddow's left-leaning program on MSNBC in the same range. **That's** about six million viewers — or roughly **2 percent of the country** — highly engaged with highly partisan spins on the news. Twitter, which more than anything else is what feeds the impression of a world spinning out of control, is similarly marginal. Yes, President Trump's perpetually news-making and polarizing account has over 54 million (worldwide) followers. But his most popular tweets typically garner around 100,000 likes, with many receiving far fewer than that. That's a miniscule portion of the 138 million people who voted in the 2016 presidential election. Now, as I've written about on numerous occasions, the American electorate (along with elected officeholders) is ideologically polarized and becoming more so over time. That isn't an illusion. Democrats and Republicans increasingly view the world in profoundly different ways. That's real, and it's bad for the country. But a civil war isn't just a function of disagreement. It's far more a function of intensity of conviction. It costs close to nothing for a liberal to fire off an insulting tweet about a right-wing statement on Twitter — or for a conservative to yell at the TV screen during Tucker Carlson's latest rant about America-hating professors. But is either partisan anywhere close to picking up a weapon, firing it in anger, and facing the prospect of being beaten or shot in response? I'll believe it when I see it. And those are the people who care enough about political disputes to spend time surfing partisan websites or watching ideological talk shows. What about the **countless millions of Americans** who **don't pay much attention to politics**? Who have vaguely defined views on everything ranging from the Supreme Court to ObamaCare's individual mandate to Ted Cruz? Who are focused on work and love and family and find the political spectacle both extremely confusing and immensely degrading? None of them are remotely close to reaching for a rifle, to killing and risking being killed for some political cause. Now add in the not-inconsiderable number of Americans who are addicted to alcohol or pain killers, or who have dropped out of the workforce and sunk into a personal oblivion of video games, pornography, and drugs. These people may be the least likely of all to commit themselves to an ideological fight. Put it all together and **we're left with a portrait of a country in which the vast majority is politically apathetic, disconnected, turned inward toward their private lives, more disgusted by politics than likely roused by it to acts of war** — with a tiny, engaged minority seemingly on the edge of political violence, but only so long as it remains a largely spectator sport. **That's not a country on the verge of civil war.** It's a country rapidly losing the capacity to distinguish between a seductive digital fantasy of heroic battles waged against sinister enemies and the unedifying reality of national dysfunction and decline.

#### Co2 emissions are good --- Co2 is key to biod, plankton, ag, and preventing ice age

Moore, 15—former president of Greenpeace Canada, Global Warming Policy Foundation (Patrick, “SHOULD WE CELEBRATE CARBON DIOXIDE?”, <http://www.thegwpf.org/patrick-moore-should-we-celebrate-carbon-dioxide/>, dml) [**this card is from a transcript, which is why there are occasional typos**]

NASA tells us that “Carbon Dioxide Controls Earth’s Temperature” in child-like denial of the many other factors involved in climate change. This is reminiscent of NASA’s contention that there might be life on Mars. Decades after it was demonstrated that there was no life on Mars, NASA continues to use it as a hook to raise public funding for more expeditions to the Red Planet. The promulgation of fear of Climate Change now serves the same purpose. As Bob Dylan prophetically pointed out, “Money doesn’t talk, it swears”, even in one of the most admired science organizations in the world. On the political front the leaders of the G7 plan to “end extreme poverty and hunger” by phasing out 85% of the world’s energy supply including 98% of the energy used to transport people and goods, including food. The Emperors of the world appear clothed in the photo taken at the close of the meeting but it was obviously Photo-shopped. They should be required to stand naked for making such a foolish statement. The world’s top climate body, the Intergovernmental Panel on Climate change, is hopelessly conflicted by its makeup and it mandate. The Panel is composed solely of the World Meteorological Organization, weather forecasters, and the United Nations Environment Program, environmentalists. Both these organizations are focused primarily on short-term timescales, days to maybe a century or two. But the most significant conflict is with the Panel’s mandate from the United Nations. They are required only to focus on “a change of climate which is attributed directly or indirectly to human activity that alters the composition of the atmosphere, and which is in addition to natural climate variability.” So if the IPCC found that climate change was not being affected by human alteration of the atmosphere or that it is not “dangerous” there would be no need for them to exist. They are virtually mandated to find on the side of apocalypse. Scientific certainty, political pandering, a hopelessly conflicted IPCC, and now the Pope, spiritual leader of the Catholic Church, in a bold move to reinforce the concept of original sin, says the Earth looks like “an immense pile of filth” and we must go back to pre-industrial bliss, or is that squalor? And then there is the actual immense pile of filth fed to us more than three times daily by the green-media nexus, a seething cauldron of imminent doom, like we are already condemned to Damnation in Hell and there is little chance of Redemption. I fear for the end of the Enlightenment. I fear an intellectual Gulag with Greenpeace as my prison guards. Let’s begin with our knowledge of the long-term history of the Earth’s temperature and of CO2 in the Earth’s atmosphere. Our best inference from various proxies back indicate that CO2 was higher for the first 4 billion years of Earth’s history than it has been since the Cambrian Period until today. I will focus on the past 540 million years since modern life forms evolved. It is glaringly obvious that temperature and CO2 are in an inverse correlation at least as often as they are in any semblance of correlation. Two clear examples of reverse correlation occurred 150 million years and 50 million years ago. At the end of the Jurassic temperature fell dramatically while CO2 spiked. During the Eocene Thermal Maximum, temperature was likely higher than any time in the past 550 million years while CO2 had been on a downward track for 100 million years. This evidence alone sufficient to warrant deep speculation of any claimed lock-step causal relationship between CO2 and temperature. The Devonian Period beginning 400 million years ago marked the culmination of the invasion of life onto the land. Plants evolved to produce lignin, which in combination with cellulose, created wood which in turn for the first time allowed plants to grow tall, in competition with each other for sunlight. As vast forests spread across the land living biomass increased by orders of magnitude, pulling down carbon as CO2 from the atmosphere to make wood. Lignin is very difficult to break down and no decomposer species possessed the enzymes to digest it. Trees died atop one another until they were 100 metres or more in depth. This was the making of the great coal beds around the world as this huge store of sequestered carbon continued to build for 90 million years. Then, fortunately for the future of life, white rot fungi evolved to produce the enzymes that can digest lignin and coincident with that the coal-making era came to an end. There was no guarantee that fungi or any other decomposer species would develop the complex of enzymes required to digest lignin. If they had not, CO2, which had already been drawn down for the first time in Earth’s history to levels similar to todays, would have continued to decline as trees continued to grow and die. That is until CO2 approached the threshold of 150 ppm below which plants begin first to starve, then stop growing altogether, and then die. Not just woody plants but all plants. This would bring about the extinction of most, if not all, terrestrial species, as animals, insects, and other invertebrates starved for lack of food. And that would be that. The human species would never have existed. This was only the first time that there was a distinct possibility that life would come close to extinguishing itself, due to a shortage of CO2, which is essential for life on Earth. A well-documented record of global temperature over the past 65 million years shows that we have been in a major cooling period since the Eocene Thermal Maximum 50 million years ago. The Earth was an average 16C warmer then, with most of the increased warmth at the higher latitudes. The entire planet, including the Arctic and Antarctica were ice-free and the land there was covered in forest. The ancestors of every species on Earth today survived through what may have been the warmest time in the history of life. It makes one wonder about dire predictions that even a 2C rise in temperature from pre-industrial times would cause mass extinctions and the destruction of civilization. Glaciers began to form in Antarctica 30 million years ago and in the northern hemisphere 3 million years ago. Today, even in this interglacial period of the Pleistocene Ice Age, we are experiencing one of the coldest climates in the Earth’s history. Coming closer to the present we have learned from Antarctic ice cores that for the past 800,000 years there have been regular periods of major glaciation followed by interglacial periods in 100,000 year-cycles. These cycles coincide with the Milankovitch cycles that are tied to the eccentricity of the Earth’s orbit and its axial tilt. It is highly plausible that these cycles are related to solar intensity and the seasonal distribution of solar heat on the Earth’s surface. There is a strong correlation between temperature and the level of atmospheric CO2 during these successive glaciations, indicating a possible cause-effect relationship between the two. CO2 lags temperature by an average of 800 years during the most recent 400,000-year period, indicating that temperature is the cause, as the cause never comes after the effect. Looking at the past 50,000 years of temperature and CO2 we can see that changes in CO2 follow changes in temperature. This is as one could expect, as the Milankovitch cycles are far more likely to cause a change in temperature than a change in CO2. And a change in the temperature is far more likely to cause a change in CO2 due to outgassing of CO2 from the oceans during warmer times and an ingassing (absorption) of CO2 during colder periods. Yet climate alarmists persist in insisting that CO2 is causing the change in temperature, despite the illogical nature of that assertion. It is sobering to consider the magnitude of climate change during the past 20,000 years, since the peak of the last major glaciation. At that time there were 3.3 kilometres of ice on top of what is today the city of Montreal, a city of more than 3 million people. 95% of Canada was covered in a sheet of ice. Even as far south as Chicago there was nearly a kilometre of ice. If the Milankovitch cycle continues to prevail, and there is little reason aside from our CO2 emissions to think otherwise, this will happen gradually again during the next 80,000 years. Will our CO2 emissions stave off another glaciation as James Lovelock has suggested? There doesn’t seem to be much hope of that so far, as despite 1/3 of all our CO2 emissions being released during the past 18 years the UK Met Office contends there has been no statistically significant warming during this century. At the height of the last glaciation the sea level was about 120 metres lower than it is today. By 7,000 years ago all the low-altitude, mid-latitude glaciers had melted. There is no consensus about the variation in sea level since then although many scientists have concluded that the sea level was higher than today during the Holocene Thermal optimum from 9,000 to 5,000 years ago when the Sahara was green. The sea level may also have been higher than today during the Medieval Warm Period. Hundred of islands near the Equator in Papua, Indonesia, have been undercut by the sea in a manner that gives credence to the hypothesis that there has been little net change in sea level in the past thousands of years. It takes a long time for so much erosion to occur from gentle wave action in a tropical sea. Coming back to the relationship between temperature and CO2 in the modern era we can see that temperature has risen at a steady slow rate in Central England since 1700 while human CO2 emissions were not relevant until 1850 and then began an exponential rise after 1950. This is not indicative of a direct causal relationship between the two. After freezing over regularly during the Little Ice Age the River Thames froze for the last time in 1814, as the Earth moved into what might be called the Modern Warm Period. The IPCC states it is “extremely likely” that human emissions have been the dominant cause of global warming “since the mid-20th century”, that is since 1950. They claim that “extremely” means 95% certain, even though the number 95 was simply plucked from the air like an act of magic. And “likely” is not a scientific word but rather indicative of a judgment, another word for an opinion. There was a 30-year period of warming from 1910-1940, then a cooling from 1940 to 1970, just as CO2 emissions began to rise exponentially, and then a 30-year warming from 1970-2000 that was very similar in duration and temperature rise to the rise from 1910-1940. One may then ask “what caused the increase in temperature from 1910-1940 if it was not human emissions? And if it was natural factors how do we know that the same natural factors were not responsible for the rise between 1970-2000.” You don’t need to go back millions of years to find the logical fallacy in the IPCC’s certainty that we are the villains in the piece. Water is by far the most important greenhouse gas, and is the only molecule that is present in the atmosphere in all three states, gas, liquid, and solid. As a gas, water vapour is a greenhouse gas, but as a liquid and solid it is not. As a liquid water forms clouds, which send solar radiation back into space during the day and hold heat in at night. There is no possibility that computer models can predict the net effect of atmospheric water in a higher CO2 atmosphere. Yet warmists postulate that higher CO2 will result in positive feedback from water, thus magnifying the effect of CO2 alone by 2-3 times. Other scientists believe that water may have a neutral or negative feedback on CO2. The observational evidence from the early years of this century tends to reinforce the latter hypothesis. How many politicians or members of the media or the public are aware of this statement about climate change from the IPCC in 2007? “we should recognise that we are dealing with a coupled nonlinear chaotic system, and therefore that the long-term prediction of future climate states is not possible.” There is a graph showing that the climate models have grossly exaggerated the rate of warming that confirms the IPCC statement. The only trends the computer models seem able to predict accurately are ones that have already occurred. Coming to the core of my presentation, CO2 is the currency of life and the most important building block for all life on Earth. All life is carbon-based, including our own. Surely the carbon cycle and its central role in the creation of life should be taught to our children rather than the demonization of CO2, that “carbon” is a “pollutant” that threatens the continuation of life. We know for a fact that CO2 is essential for life and that it must be at a certain level in the atmosphere for the survival of plants, which are the primary food for all the other species alive today. Should we not encourage our citizens, students, teachers, politicians, scientists, and other leaders to celebrate CO2 as the giver of life that it is? It is a proven fact that plants, including trees and all our food crops, are capable of growing much faster at higher levels of CO2 than present in the atmosphere today. Even at the today’s concentration of 400 ppm plants are relatively starved for nutrition. The optimum level of CO2 for plant growth is about 5 times higher, 2000 ppm, yet the alarmists warn it is already too high. They must be challenged every day by every person who knows the truth in this matter. CO2 is the giver of life and we should celebrate CO2 rather than denigrate it as is the fashion today. We are witnessing the “Greening of the Earth” as higher levels of CO2, due to human emissions from the use of fossil fuels, promote increased growth of plants around the world. This has been confirmed by scientists with CSIRO in Australia, in Germany, and in North America. Only half of the CO2 we are emitting from the use of fossil fuels is showing up in the atmosphere. The balance is going somewhere else and the best science says most of it is going into an increase in global plant biomass. And what could be wrong with that, as forests and agricultural crops become more productive? All the CO2 in the atmosphere has been created by outgassing from the Earth’s core during massive volcanic eruptions. This was much more prevalent in the early history of the Earth when the core was hotter than it is today. During the past 150 million years there has not been enough addition of CO2 to the atmosphere to offset the gradual losses due to burial in sediments. Let’s look at where all the carbon is in the world, and how it is moving around. Today, at just over 400 ppm, there are 850 billion tons of carbon as CO2 in the atmosphere. By comparison, when modern life-forms evolved over 500 million years ago there was nearly 15,000 billion tons of carbon in the atmosphere, 17 times today’s level. Plants and soils combined contain more than 2,000 billion tons of carbon, more that twice as much as the entire global atmosphere. The oceans contain 38,000 billion tons of carbon, as dissolved CO2, 45 times as much as in the atmosphere. Fossil fuels, which are made from plants that pulled CO2 from the atmosphere account for 5,000 – 10,000 billion tons of carbon, 6 – 12 times as much carbon as is in the atmosphere. But the truly stunning number is the amount of carbon that has been sequestered from the atmosphere and turned into carbonaceous rocks. 100,000,000 billion tons, that’s one quadrillion tons of carbon, have been turned into stone by marine species that learned to make armour-plating for themselves by combining calcium and carbon into calcium carbonate. Limestone, chalk, and marble are all of life origin and amount to 99.9% of all the carbon ever present in the global atmosphere. The white cliffs of Dover are made of the calcium carbonate skeletons of coccolithophores, tiny marine phytoplankton. The vast majority of the carbon dioxide that originated in the atmosphere has been sequestered and stored quite permanently in carbonaceous rocks where it cannot be used as food by plants. Beginning 540 million years ago at the beginning of the Cambrian Period many marine species of invertebrates evolved the ability to control calcification and to build armour plating to protect their soft bodies. Shellfish such as clams and snails, corals, coccolithofores (phytoplankton) and foraminifera (zooplankton) began to combine carbon dioxide with calcium and thus to remove carbon from the life cycle as the shells sank into sediments; 100,000,000 billion tons of carbonaceous sediment. It is ironic that life itself, by devising a protective suit of armour, determined its own eventual demise by continuously removing CO2 from the atmosphere. This is carbon sequestration and storage writ large. These are the carbonaceous sediments that form the shale deposits from which we are fracking gas and oil today. And I add my support to those who say, “OK UK, get fracking”. The past 150 million years has seen a steady drawing down of CO2 from the atmosphere. There are many components to this but what matters is the net effect, a removal on average of 37,000 tons of carbon from the atmosphere every year for 150 million years. The amount of CO2 in the atmosphere was reduced by about 90% during this period. This means that volcanic emissions of CO2 have been outweighed by the loss of carbon to calcium carbonate sediments on a multi-million year basis. If this trend continues CO2 will inevitably fall to levels that threaten the survival of plants, which require a minimum of 150 ppm to survive. If plants die all the animals, insects, and other invertebrates that depend on plants for their survival will also die. How long will it be at the present level of CO2 depletion until most or all of life on Earth is threatened with extinction by lack of CO2 in the atmosphere? During this Pleistocene Ice Age, CO2 tends to reach a minimum level when the successive glaciations reach their peak. During the last glaciation, which peaked 18,000 years ago, CO2 bottomed out at 180 ppm, extremely likely the lowest level CO2 has been in the history of the Earth. This is only 30 ppm above the level that plants begin to die. Paleontological research has demonstrated that even at 180 ppm there was a severe restriction of growth as plants began to starve. With the onset of the warmer interglacial period CO2 rebounded to 280 ppm. But even today, with human emissions causing CO2 to reach 400 ppm plants are still restricted in their growth rate, which would be much higher if CO2 were at 1000-2000 ppm. Here is the shocking news. If humans had not begun to unlock some of the carbon stored as fossil fuels, all of which had been in the atmosphere as CO2 before sequestration by plants and animals, life on Earth would have soon been starved of this essential nutrient and would begin to die. Given the present trends of glaciations and interglacial periods this would likely have occurred less than 2 million years from today, a blink in nature’s eye, 0.05% of the 3.5 billion-year history of life. No other species could have accomplished the task of putting some of the carbon back into the atmosphere that was taken out and locked in the Earth’s crust by plants and animals over the millennia. This is why I honour James Lovelock in my lecture this evening. Jim was for many years of the belief that humans are the one-and-only rogue species on Gaia, destined to cause catastrophic global warming. I enjoy the Gaia hypothesis but I am not religious about it and for me this was too much like original sin. It was as if humans were the only evil species on the Earth. But James Lovelock has seen the light and realized that humans may be part of Gaia’s plan, and he has good reason to do so. And I honour him because it takes courage to change your mind after investing so much of your reputation on the opposite opinion. Rather than seeing humans as the enemies of Gaia, Lovelock now sees that we may be working with Gaia to “stave of another ice age”, or major glaciation. This is much more plausible than the climate doom-and gloom scenario because our release of CO2 back into the atmosphere has definitely reversed the steady downward slide of this essential food for life, and hopefully may reduce the chance that the climate will slide into another period of major glaciation. We can be certain that higher levels of CO2 will result in increased plant growth and biomass.

#### No impact to warming---mitigation and adaptation will solve and there’s no tipping point

Mendelsohn 9 (Robert O. Mendelsohn 9, the Edwin Weyerhaeuser Davis Professor, Yale School of Forestry and Environmental Studies, Yale University, June 2009, “Climate Change and Economic Growth,” online: http://www.growthcommission.org/storage/cgdev/documents/gcwp060web.pdf)

The heart of the debate about climate change comes from a number of warnings from scientists and others that give the impression that human-induced climate change is an immediate threat to society (IPCC 2007a,b; Stern 2006). Millions of people might be vulnerable to health effects (IPCC 2007b), crop production might fall in the low latitudes (IPCC 2007b), water supplies might dwindle (IPCC 2007b), precipitation might fall in arid regions (IPCC 2007b), extreme events will grow exponentially (Stern 2006), and between 20–30 percent of species will risk extinction (IPCC 2007b). Even worse, there may be catastrophic events such as the melting of Greenland or Antarctic ice sheets causing severe sea level rise, which would inundate hundreds of millions of people (Dasgupta et al. 2009). Proponents argue there is no time to waste. Unless greenhouse gases are cut dramatically today, economic growth and well‐being may be at risk (Stern 2006). These statements are largely alarmist and misleading. Although climate change is a serious problem that deserves attention, society’s immediate behavior has an extremely low probability of leading to catastrophic consequences. The science and economics of climate change is quite clear that emissions over the next few decades will lead to only mild consequences. The severe impacts predicted by alarmists require a century (or two in the case of Stern 2006) of no mitigation. Many of the predicted impacts assume there will be no or little adaptation. The net economic impacts from climate change over the next 50 years will be small regardless. Most of the more severe impacts will take more than a century or even a millennium to unfold and many of these “potential” impacts will never occur because people will adapt. It is not at all apparent that immediate and dramatic policies need to be developed to thwart long‐range climate risks. What is needed are long‐run balanced responses.

### Advantage 2

#### Democratic peace theory is false – cherry picks definitions and overlooks several conflicts

Gautreaux 12 [Sergio, MA in International Relations from Webster University, April 26, “Examining the Democratic Peace Hypothesis: A Neorealist Critique,” http://www.internationalpolicydigest.org/2012/04/26/examining-the-democratic-peace-hypothesis-a-neorealist-critique/AKG]

American self-perceptions notwithstanding, all nation-states have acted in the interest of ensuring their own survival first and foremost, while paying little regard to another’s culture, norms, ideals, or institutions in pursuit of its ends. Diplomatic ententes and military groupings – from the Holy Alliance to NATO – have shifted to fit the realities of the current system and will continue to do so when the national interest is at stake. As such, the democratic peace hypothesis presents three substantial problems for the current Westphalian international model. The first flaw in the theory is one of conceptualization. The Polity Index, used by Russet in his examination of the democratic peace, is based on a faulty definition of democracy. In 1971, Yale University Professor, Robert Dahl, posited two very basic attributes of the system: competition and participation. The first state that granted full participation by way of universal suffrage and, as a consequence, met Dahl’s requirements for a democratic society, was Finland in 1906. While the Polity Index measures the spread of democracy from the year 1800 onwards, the data omits participation as a key attribute in its determination of democratic states. By omitting such a basic, yet vital, component of democracy and failing to properly conceptualize democracy, the very question of what it means to be a democratic state, bent on avoiding dyadic conflict, is called into question. Despite this conceptual flaw, most states listed as democratic by Russett and the Polity I-IV data do, in fact, promote universal suffrage (at least in theory) in the twenty-first century and would meet Dahl’s 1971 requirements (though Russett’s blanket assertion and inclusion of states without universal suffrage remains a point of contention for the emerging democracies). With this in mind, the second error in the logic of the democratic peace theory is with Russett’s “cultural/normative” model. The model assumes that a culture of peace is the standard across all democratic societies. While few would disagree that a Western liberal state such as the Netherlands is more peaceful than the various war-torn countries that comprise the very undemocratic societies of sub-Saharan Africa, the same comparison cannot be made between all democratic and autocratic societies. Studying the post-World War II era, in which numerous former colonies gained their independence and empires were systematically disbanded, one will find that the emerging democracies during this era, struggling with the formation of civil society structures and the demands posed by the market economy, had substantially higher crime rates than the ardently non-democratic societies. In addition, homicide rates for so-called “full democracies” – that is, states with a long-established history of democracy (e.g. Western Europe and the United States) – increased at an alarmingly higher rate than their non-democratic counterparts during this same time period. To use a specific example, the world’s current hegemon and most powerful democracy, the United States, regularly experiences violent civil unrest, has the tenth highest homicide rate per 100,000 people (just behind the Republic of Moldova and ahead of Uruguay), and experienced a violent civil war that claimed the lives of 650,000 Americans just a century and a half ago. Moreover, if democratic decision-makers did actually employ their society’s supposed culture of peace into their policy formation when faced with international conflict escalation, they would do so at all stages and in all instances, including when faced with a hostile challenge from a non-democratic state. History, however, shows that is not the case. During the years 1899-1999, five of the world’s current most powerful (expressed in terms of military potential; determined using quantitative troop, aircraft, and nuclear arms levels) democracies – the United States, India, the United Kingdom, France, and Israel – engaged in interstate conflict on no less than twenty-five occasions. Furthermore, in twenty-nine of the recent intrastate conflicts, twenty-three of the prevailing regimes were either democratic throughout the dispute or at certain times during the dispute. Such realities call into question the assertion that democratic societies have a culture of peace that pervades decision-making. The third and final logical flaw of the democratic peace is that the theory itself is a myth, as democracies have gone to war with each other numerous times throughout history when it was in their interest to do so or when their sovereignty was threatened by another. From the time of the Greek wars of the 5th and 4th centuries BCE, there have been at least 14 conflicts involving states that would be listed in the “democratic” category of the Polity I-IV indexes. When one alters the already contentious definition of “war,” the number of conflicts increases to at least twenty-three and includes such international disputes as the long-running American-Indian War of the 19th century (the Iroquois tribe had a complex but recognizable system of democracy), the 1923 occupation of the Ruhr by the French, and the Allied (British) bombings of Finland during the Second World War. By using the very same conceptualizations that Bruce Russett and other liberal theorists use to categorize democracies, one is able to determine that their very argument – that democratic states never go to war with one another – is simply wrong. The Continuance of Raison d’état Since it is possible to prove by careful examination that democratic states lack the so-called “culture of peace” emanating from the transformative process of the system, and that the democratic peace hypothesis is not valid beyond that which is examined on the surface, the only possible logical conclusion is that democratic states have engaged in conflict with each other less frequently than they have with non-democracies simply because doing so usually runs counter to the ultimate national interest of survival. From 1945-1990, approximately thirty-two countries were democratic (amounting to roughly thirty-one percent of the world’s population). With the notable exception of the non-aligned countries, most were allied with the United States and its policy of containment with regards to the Soviet Union and the spread of communism. Therefore, the national interests of these democratic states were aligned and they avoided war because of this fact; having similar political processes was inconsequential. In the post-Cold War era, although there have arguably been three democratic wars (the Croatian War of Independence, the Fourth India-Pakistan War, and the 2006 Israel-Lebanon War), most liberal democratic states have benefited from the status quo and free trade, not expansionist war, dictates the national interest. As the “Arab Spring” continues to rage in Syria, and as the new self-proclaimed democratic states of Egypt and Libya continue to shape their futures, the number of conflicts between democratic societies will undoubtedly increase from its current number. For decision-makers and leaders of prior-established liberal democracies, it is imperative to recognize the faults and failings of the democratic peace hypothesis and to act only in accordance with what is in the interest of the state’s survival and its relative/absolute gains. Employing a doctrine of democracy promotion without acting as a rational actor who engages in a thorough cost-benefit analysis is both irresponsible and dangerous.

#### No legitimacy or rule of law impact

Bloom 21 [Lackland Bloom, Larry and Jane Harlan Senior Research Fellow and Professor of Law, Dedman School of Law, southern Methodist University. 5-21-2021 <https://commons.stmarytx.edu/cgi/viewcontent.cgi?article=1103&context=thestmaryslawjournal>]

Suppose the Court does lose public approval and hence a degree of legitimacy—what then? Does a decline or loss of legitimacy mean the rule of law collapses followed by massive defiance of judicial decisions? History suggests otherwise. Rather, on several occasions, the Court has gotten out of step with the public, arguably suffering a crisis of legitimacy. On each such occasion, the disjunction between the public and the Court has been corrected through the replacement of dying or retiring Justices, pursuant to the constitutional check of nomination and confirmation of replacements, and to a lesser extent by Justices themselves changing their approaches to interpretation and adjudication.16 In other words, maintaining public respect and legitimacy has been a concern for the Court throughout its two hundred-year-plus history. To the extent a judicial legitimacy crisis arises, the political system provided by the Constitution has provided a remedy; although, it often takes an extended period of time and gives rise to significant partisan political fury. This is especially true today with longer life expectancies, longer tenures of service on the Court, as well as a reluctance of Justices to permit a President of a different political ideology to appoint a successor. If the Court is presently in the midst of a legitimacy crisis—and it is difficult to determine whether that is the case—there is every reason to believe, both on the basis of history as well he empirical research of political scientists, that it will be resolved over time as it has been in the past. Crises of legitimacy for the Court are nothing new. Throughout much of its history, the Court has been at the center of political controversy and yet it has managed to survive. If anything, the respect for the Court has increased over time. As Professor Alexander Bickel wrote in the very first sentence of his classic book The Least Dangerous Branch: “The least dangerous branch of the American government is the most extraordinarily powerful court of law the world has ever known.”17 As Bickel explained, it hasn’t always been that way. Rather, the Court has acquired its prestige and public support over a lengthy period of time. Throughout much of American history, the Court’s legitimacy has not been in question; however, on occasion it has. When that has occurred, the Court has been saved as an institution by the political check of the appointment and confirmation process. That is, when the Court has gotten sufficiently out of step with the public, retirements have led to the appointment of new Justices who have either reversed course or have at least engaged in sufficient retrenchment to defuse any threat to the Court’s legitimacy.