# 1NC

## Off

### OFF

#### Undisclosed new aff’s are a voter --- kills pre-round preparation, leads to late breaking debates, and makes it impossible to be a small school --- C/I is disclosure 30 minutes before the round - Independently justifies neg theory antics to get back in the game

### OFF

#### Topical affs must increase prohibitions on the entire economy:

#### 1---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.

#### 2---“The” before a noun means whole

Webster’s 5 (Merriam Webster’s Online Dictionary, [http://www.m-w.com/cgi-bin/dictionary](about:blank))

The

4 -- used as a function word before a noun or a substantivized adjective to indicate reference to a group as a whole <the elite>

#### 3---“Private Sector” means all

Senate Manual 11 (Senate Document No. 112-1)//babcii

The term ``private sector'' means all persons or entities in the United States, including individuals, partnerships, associations, corporations, and educational and nonprofit institutions, but shall not include State, local, or tribal governments.112 S. Doc. 1

#### Violation: the plan only applies to companies doing patent thickening and hopping

#### Vote NEG for limits and grounds --- Subsets explodes the topic to thousands of affs, and removes core controversy

### OFF

#### The United States federal judiciary should establish a standard against anticompetitive business practices in the delegation of generic Top-Level Domains by the private sector

#### The courts have broad authority

Hanley, 21 (Daniel A. Hanley, a policy analyst at the Open Markets Institute., 4-6-2021, accessed on 8-10-2021, Slate, "How Antitrust Lost Its Bite", https://slate.com/technology/2021/04/antitrust-hearings-congress-legislation-bright-line-rules.html)//Babcii

History has consistently shown that only bright-line rules will lead to an effective and vigorous enforcement environment, as they do in other areas of law, and prevent the judiciary from favoring dominant economic enterprises and distorting the antitrust laws to preference increased concentration. The Supreme Court’s original development of the rule of reason and its subsequent gutting of the enforcement of the Clayton Act in the 1930s is particularly illustrative of why bright-line rules are necessary. A critical weakness of the Sherman Act when it was passed in 1890 was that it did not incorporate bright-line rules and left the interpretation of the act almost entirely to the judiciary. Despite its broad moral intentions, the first 15 years of its enforcement were anemic against concentrated private power and even [hostile to organized labor](https://escholarship.org/uc/item/8cj0z1tq). Eventually the federal government would obtain its first significant victory [in 1904](https://en.wikipedia.org/wiki/Northern_Securities_Co._v._United_States), but the legal standard that the court would use to determine the legality of antitrust violations was not fully decided until the 1911 Standard Oil case, in which the Supreme Court codified the rule of reason. [Standard Oil v. United States](https://en.wikipedia.org/wiki/Standard_Oil_Co._of_New_Jersey_v._United_States) is widely known for breaking up the company. However, the case was actually a pyrrhic victory for antitrust enforcers. In the case, the court created the foundation for the rule of reason by declaring that only “unreasonable” trade practices (known as restraints of trade) were illegal under the Sherman Act. In other words, the judiciary in Standard Oil anointed itself with unilateral discretionary power to manage and organize the economy and neutered the Sherman Act’s application. Outrage from Congress and the public over the judiciary’s seizure of power resulted in swift action. Less than three years later, Congress would try to reassert its position to ensure a deconcentrated marketplace with the Clayton Act. When Congress enacted the Clayton Act in 1914, its primary goal was to supplement the Sherman Act by bolstering a plaintiff’s ability to arrest certain enumerated conduct in its incipiency—to nip monopolistic behavior in the bud. The Clayton Act explicitly lessened the litigation burden on plaintiffs for certain exclusionary practices, including certain forms of tying (conditioning the purchase of a product on the purchase of another product), price discrimination, and exclusive dealing (contracts or coercive behavior that prevents suppliers or distributors from engaging with a firm’s rivals). Most importantly, Congress included in the Clayton Act a highly deferential and plaintiff-friendly legal standard meant to prohibit mergers (although only limited to acquisitions of assets and not for stock) that only “may be to substantially lessen competition” or “tend to create a monopoly.” The Clayton Act made clear that Congress was trying to arrest certain antitrust violations such as mergers as a means to grow corporate operations, and to reverse the Supreme Court’s declaration in [Standard Oil](https://en.wikipedia.org/wiki/Standard_Oil_Co._of_New_Jersey_v._United_States). However, the Supreme Court would instead successfully hijack this antitrust law too, in order to favor its own prescription for managing the economy.

### OFF

#### Interpretation: the plan must specify the standard by which the anticompetitive business practice will be reviewed – failing to do so makes the aff a moving target and kills negative ground

#### Independently causes circumvention - the devil is in the details---Any vagueness will ensure failed enforcement and circumvention

Hanley, 21 (Daniel A. Hanley, a policy analyst at the Open Markets Institute., 4-6-2021, accessed on 8-10-2021, Slate, "How Antitrust Lost Its Bite", https://slate.com/technology/2021/04/antitrust-hearings-congress-legislation-bright-line-rules.html)//Babcii

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Eventually the federal government would obtain its first significant victory [in 1904](https://en.wikipedia.org/wiki/Northern_Securities_Co._v._United_States), but the legal standard that the court would use to determine the legality of antitrust violations was not fully decided until the 1911 Standard Oil case, in which the Supreme Court codified the rule of reason. [Standard Oil v. United States](https://en.wikipedia.org/wiki/Standard_Oil_Co._of_New_Jersey_v._United_States) is widely known for breaking up the company. However, the case was actually a pyrrhic victory for antitrust enforcers. In the case, the court created the foundation for the rule of reason by declaring that only “unreasonable” trade practices (known as restraints of trade) were illegal under the Sherman Act. In other words, the judiciary in Standard Oil anointed itself with unilateral discretionary power to manage and organize the economy and neutered the Sherman Act’s application. 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In a 1930 case known as [International Shoe](https://supreme.justia.com/cases/federal/us/280/291/), the Supreme Court decided to interpret the Clayton Act’s directive on mergers, despite its explicit purpose and statutory language, in an equivalent way to the Sherman Act. The court said the Clayton Act also deemed the indicator of an illegal merger to be whether it “injuriously affect[ed] the public”—yet again, a gutting of Congress’ intentions for a robust antitrust law. After the court’s holding in International Shoe, [almost no merger cases](https://heinonline.org/HOL/LandingPage?handle=hein.journals/antlervi3&div=6&id=&page=) were brought either by the Federal Trade Commission or the Department of Justice between 1930 and 1950. Even though the New Deal during the 1930s invigorated antitrust enforcement for violations of the Sherman Act targeting cartels and monopolies, it still took decades of advocacy for the Clayton Act to be significantly amended in 1950 to undo the Supreme Court’s damage. Even then, however, Congress did not impose a bright-line rule for mergers. And although the 1950 amendments to the Clayton Act did lead to vigorous enforcement, it would last only for another decade until the Supreme Court would, in a series of decisions, invent two doctrines, known as [antitrust injury](https://supreme.justia.com/cases/federal/us/479/104/) and [antitrust standing](https://supreme.justia.com/cases/federal/us/429/477/). These doctrines would again erode significant aspects of antitrust enforcement of both the Sherman Act and Clayton Act to the present day. The implementation of the consumer welfare framework since the 1970s is additional evidence from more than a century of consistent judicial mismanagement and hostility toward Congress’ desire to stop corporate concentration. Simply put, the courts cannot be trusted to adequately enforce antitrust laws without bright-line rules. If Congress is going to amend the antitrust laws to ensure they are effectively administered, rules that ban big mergers and the monopolization of markets, prohibit coercive contracts against small suppliers and distributors, and protect workers from dominant corporations must be imposed. Anything less leaves the door open for the judiciary to continue subverting Congress’ economic agenda, as dictated by the voting public, and instead substitute its own. Without bright-line rules, the current reform efforts will be in vain.

### OFF

#### The United States, through a limited constitutional convention, ought to prohibit anticompetitive business practices in the delegation of generic Top-Level Domains by the private sector.

#### Conventions can change Antitrust law – avoids politics

**Berry, 87** (Mary Frances Berry, Geraldine R. Segal Professor of American Social Thought at the University of Pennsylvania and a member of the United States Commission on Civil Rights., 9-13-1987, accessed on 6-19-2021, The New York Times, "AMENDING THE CONSTITUTION; How Hard It Is To Change", https://www.nytimes.com/1987/09/13/magazine/amending-the-constitution-how-hard-it-is-to-change.html)//Babcii

The purpose of **Article V's convention** provision is to make it **possible** **for** amendments to be proposed that Congress does not want proposed, and it would be illogical indeed to assume that Congress could bind a convention's agenda. Even if the Congress decided to call a convention for the sole purpose of proposing amendments to balance the budget, and even if the convention agreed to this overall goal, the gathering **would** still **have great freedom**. The participants might decide that Congressional budgetary authority should be limited to support for the national defense. They could delete support for the general welfare from the Constitution, thus precluding such items as Social Security, Medicaid and Medicare. They could decide to amend Congressional power to regulate commerce, which now allows for such activities as environmental regulation, labor regulation **and antitrust enforcement**. This would, after all, abolish a whole series of Federal agencies and decrease the budget.

### OFF

#### Reconciliation passes now – Biden PC and tight timetables makes the margin for error literally ZERO

Elliott, 9-16 (Philip Elliott is a Washington Correspondent for TIME. Before joining TIME in early 2015, he spent almost a decade at The Associated Press, where he covered politics, campaign finance, education and the White House. He is a graduate of the E.W. Scripps School of Journalism at Ohio University, September 16, 2021, accessed on 9-17-2021, Time, "Democrats Face a Grueling Two Weeks as Infighting Erupts Over Infrastructure", https://time.com/6098810/house-democrats-reconciliation/)//babcii

House Democrats yesterday finished penning a 2,600-page bill that finally outlines the specifics of their ambitious “soft” infrastructure plan that won’t attract a single Republican vote. But no one was really rushing to Schneider’s for bottles of bubbly. For a party ready to spend $3.5 trillion to fund its social policy agenda, there were plenty of glum faces on Capitol Hill.

In fact, one key piece of the legislation—a deal that would finally let Medicare negotiate lower prices with drug companies—fell apart in the Energy and Commerce Committee when three Democrats voted against it. It found resurrection a short time later when Leadership aides literally plucked it from the Energy and Commerce team and delivered it to the Ways and Means Committee for its approval instead. Even there, though, one Democrat voted against it, saying the threat it posed to pharmaceutical companies’ profits would doom it in the Senate. “Every moment we spend debating provisions that will never become law is a moment wasted and will delay much-needed assistance to the American people,” Rep. Stephanie Murphy of Florida later argued.

Put another way? Brace for some nasty politics over the next two weeks as House Speaker Nancy Pelosi tries to get this bill to a vote before the budget year ends on Sept. 30. And those 2,600 pages had better be recyclable.

Democrats can only afford three defectors if they want to usher this bill into law, and they’re perilously close to failure. So far, five centrist Democrats in the House have said they prefer a scaled-back version of the Medicare component. But if Pelosi gives the five centrists that win, she risks losing the support of progressives who are already sour that things like a punitive wealth tax and the end to tax loopholes aren’t present in the current version of the bill.

As it stands now, letting Medicare negotiate drug prices would save the government about $500 billion over the next decade. The scaled-back version doesn’t have an official cost, but a very similar version got its score in the Senate last year: roughly $100 billion in savings. Because Democrats are using a budgeting loophole to help them avoid a filibuster and pass this with bare majorities, that $400 billion gap matters a lot more than on most bills. Scaling back the Medicare savings means they would also have to scale back their overall spending on the bill—a big line in the sand for progressives who say they’ve already compromised too much.

All of this, of course, comes as President Joe Biden and his top aides in the White House have been trying to get Senate centrists onboard. Just yesterday, he met separately with Sens. Kyrsten Sinema and Joe Manchin, fellow Democrats who have expressed worries about the $3.5 trillion price tag but have been vague about what exactly they want to cut back on. With the Senate evenly divided at 50-50, and Vice President Kamala Harris in position to break the ties to Democrats’ victories, any shenanigans from those two independent thinkers scrambles the whole package.

Oh, and that other bipartisan infrastructure plan that carries $550 billion in new spending? It’s still sitting on the shelf in the House. Pelosi said she’d bring it to the floor only when the bigger—and entirely partisan—bill was ready. And there’s plenty of grumbling about that package, too.

If this is all beginning to sound like a scratched record that keeps repeating, it’s because this has become something of a pattern here in Washington. Things look pretty grim for legislation in town these days, despite Democrats controlling the House, the Senate and the White House. Their margin for error is literally zero, and so hiccups from a half-dozen centrists can forewarn a doomed agenda.

So far, Pelosi has been a master of holding the line on crucial votes and has managed to maneuver her team to victories, including on an earlier pandemic relief package that passed with only Democratic votes. Now she’s trying again, but the clock is ticking, and $3.5 trillion is an eye-popping sum of money that rivals the spending the United States unleashed to close out World War II.

#### Antitrust reform decks PC and trades off with infra

Carstensen, 21 (Peter C. Carstensen, the Fred W. & Vi Miller Chair in Law Emeritus, University of Wisconsin Law School, February 2021, “THE “OUGHT” AND “IS LIKELY” OF BIDEN ANTITRUST,” https://www.concurrences.com/en/review/issues/no-1-2021/on-topic/the-new-us-antitrust-administration-en)

14. Similarly, despite bipartisan murmurs about competitive issues, the potential in a closely divided Congress that any major initiatives will survive is limited at best. In part the challenge here is how the Biden administration will rank its commitments. If it were to make reform of competition law a major and primary commitment, it would have to trade off other goals, which might include health care reform or increases in the minimum wage. It is likely in this circumstance the new administration, like the Obama administration’s abandonment of the pro-competitive rules proposed under the PSA, would elect to give up stricter competition rules in order to achieve other legislative priorities.

15. Another key to a robust commitment to workable competition is the choice of cabinet and other key administrative positions. Here as well, the early signs are not entirely encouraging. In selecting Tom Vilsack to return as secretary of agriculture, the president has embraced a friend of the large corporate interests dominating agriculture who has spent the last four years in a highly lucrative position advancing their interests. Given the desperate need for pro-competitive rules to implement the PSA and control exploitation of dairy farmers through milk-market orders, the return of Vilsack is not good news. Who will head the FTC and who will be the attorney general and assistant attorney general for antitrust is still unknown, but if those picks are also centrists with strong links to corporate America the hope for robust enforcement of competition law will further attenuate!

16. In sum, this is a pessimistic prognostication for the likely Biden antitrust enforcement agenda. There is much that ought to be done. But this requires a willingness to take major enforcement risks, to invest significant political capital in the legislative process, and to select leaders who are committed to advancing the public interest in fair, efficient and dynamically competitive markets. The early signs are that the new administration will be no more committed to robust competition policy than the Obama administration. Events may force a more vigorous policy—I will cling to that hope as the Biden administration takes shape.

#### Infrastructure bill is essential for warming - it decarbonizes and invigorates the economy by speeding up construction and the development of green tech

**McDonnell ’21**; [Tim McDonnell; a reporter covering global climate change and energy issues, based in Washington, D.C. He has worked previously for National Public Radio and Mother Jones, and spent a couple years freelancing across sub-Saharan Africa and South Asia for National Geographic, The New York Times, and other outlets. He was a Fulbright-National Geographic Storytelling Fellow and a National Geographic Explorer; 3/23/21; Quartz; “Biden’s infrastructure bill will make or break his climate legacy”; <https://qz.com/1987869/joe-bidens-new-infrastructure-bill-is-all-about-climate-change/>; accessed: 7/12/21; YS]

President Joe **Biden** is turning to his next **legislative priority,** a $3 trillion pair of **infrastructure bills** that put **climate change front and center**. As first reported in the New York Times on March 22, funding will be directed to the **electric grid**, energy-efficient affordable **housing**, electric vehicle charging stations, and other **clean energy priorities**. It follows a $1.9 trillion economic stimulus package signed earlier this month.

The infrastructure package shows that Biden is taking a different approach to the climate crisis than Barack Obama. Rather than centering his climate policy agenda on regulating greenhouse gas emissions from power plants (as Obama did, with his Clean Power Plan), Biden’s priority is to pour money into new **technologies** and **clean energy** hardware with a goal to **decarbonize the US electricity system by 2035**. The administration is betting that leading with a carrot, rather than the stick, will be the **fastest**, lowest-cost way to make a lasting dent in emissions, while breathing life in to the post-pandemic economy (new emissions regulations from the Environmental Protection Agency will likely follow).

“This could be the most **promising opportunity** to make progress on **decarbonization** across the economy that the US has had in a long time,” said John Larsen, director of climate and energy at Rhodium Group, a research firm. “And as far as getting very quick returns on investments, the power sector is the most important place to make progress.”

How **infrastructure spending** can **benefit** the climate

The last time the US saw a big clean energy spending bill was Obama’s $90 billion green stimulus in 2009, which ultimately gave a dramatic boost to solar and wind energy. Biden’s new effort is an order of **magnitude greater**: The Times reports that the package includes “nearly **$1 trillion** in spending on the **construction** of roads, bridges, rail lines, ports, electric vehicle charging stations, and improvements to the **electric grid** and other parts of the **power sector**,” as well as “one million affordable and energy-efficient **housing** units.” The remainder of the **$3 trillion** is set aside for rural **broadband connectivit**y, building and renovating schools, and job retraining for millions of workers.

As for spending on the power sector, Larsen and his colleagues laid out a few guiding principles for the Biden team in a Mar. 23 report. They recommend dramatically increasing and extending the duration of tax credits for renewables, which are currently scheduled to wind down over the next few years; create new incentives to help existing nuclear power plants stay open; and write off old federal loans made to local governments to build coal-fired power plants, so that those can close ahead of schedule.

#### Warming causes extinction.

Bill McKibben 19. Schumann Distinguished Scholar at Middlebury College; fellow of the American Academy of Arts and Sciences; holds honorary degrees from 18 colleges and universities; Foreign Policy named him to their inaugural list of the world’s 100 most important global thinkers. "This Is How Human Extinction Could Play Out." Rolling Stone. 4-9-2019. https://www.rollingstone.com/politics/politics-features/bill-mckibben-falter-climate-change-817310/

Oh, it could get very bad. In 2015, a study in the Journal of Mathematical Biology pointed out that if the world’s oceans kept warming, by 2100 they might become hot enough to “stop oxygen production by phyto-plankton by disrupting the process of photosynthesis.” Given that two-thirds of the Earth’s oxygen comes from phytoplankton, that would “likely result in the mass mortality of animals and humans.” A year later, above the Arctic Circle, in Siberia, a heat wave thawed a reindeer carcass that had been trapped in the permafrost. The exposed body released anthrax into nearby water and soil, infecting two thousand reindeer grazing nearby, and they in turn infected some humans; a twelve-year-old boy died. As it turns out, permafrost is a “very good preserver of microbes and viruses, because it is cold, there is no oxygen, and it is dark” — scientists have managed to revive an eight-million-year-old bacterium they found beneath the surface of a glacier. Researchers believe there are fragments of the Spanish flu virus, smallpox, and bubonic plague buried in Siberia and Alaska. Or consider this: as ice sheets melt, they take weight off land, and that can trigger earthquakes — seismic activity is already increasing in Greenland and Alaska. Meanwhile, the added weight of the new seawater starts to bend the Earth’s crust. “That will give you a massive increase in volcanic activity. It’ll activate faults to create earthquakes, submarine landslides, tsunamis, the whole lot,” explained the director of University College London’s Hazard Centre. Such a landslide happened in Scandinavia about eight thousand years ago, as the last Ice Age retreated and a Kentucky-size section of Norway’s continental shelf gave way, “plummeting down to the abyssal plain and creating a series of titanic waves that roared forth with a vengeance,” wiping all signs of life from coastal Norway to Greenland and “drowning the Wales-sized landmass that once connected Britain to the Netherlands, Denmark, and Germany.” When the waves hit the Shetlands, they were sixty-five feet high. There’s even this: if we keep raising carbon dioxide levels, we may not be able to think straight anymore. At a thousand parts per million (which is within the realm of possibility for 2100), human cognitive ability falls 21 percent. “The largest effects were seen for Crisis Response, Information Usage, and Strategy,” a Harvard study reported, which is too bad, as those skills are what we seem to need most. I could, in other words, do my best to scare you silly. I’m not opposed on principle — changing something as fundamental as the composition of the atmosphere, and hence the heat balance of the planet, is certain to trigger all manner of horror, and we shouldn’t shy away from it. The dramatic uncertainty that lies ahead may be the most frightening development of all; the physical world is going from backdrop to foreground. (It’s like the contrast between politics in the old days, when you could forget about Washington for weeks at a time, and politics in the Trump era, when the president is always jumping out from behind a tree to yell at you.) But let’s try to occupy ourselves with the most likely scenarios, because they are more than disturbing enough. Long before we get to tidal waves or smallpox, long before we choke to death or stop thinking clearly, we will need to concentrate on the most mundane and basic facts: everyone needs to eat every day, and an awful lot of us live near the ocean. FOOD SUPPLY first. We’ve had an amazing run since the end of World War II, with crop yields growing fast enough to keep ahead of a fast-rising population. It’s come at great human cost — displaced peasant farmers fill many of the planet’s vast slums — but in terms of sheer volume, the Green Revolution’s fertilizers, pesticides, and machinery managed to push output sharply upward. That climb, however, now seems to be running into the brute facts of heat and drought. There are studies to demonstrate the dire effects of warming on coffee, cacao, chickpeas, and champagne, but it is cereals that we really need to worry about, given that they supply most of the planet’s calories: corn, wheat, and rice all evolved as crops in the climate of the last ten thousand years, and though plant breeders can change them, there are limits to those changes. You can move a person from Hanoi to Edmonton, and she might decide to open a Vietnamese restaurant. But if you move a rice plant, it will die. A 2017 study in Australia, home to some of the world’s highest-tech farming, found that “wheat productivity has flatlined as a direct result of climate change.” After tripling between 1900 and 1990, wheat yields had stagnated since, as temperatures increased a degree and rainfall declined by nearly a third. “The chance of that just being variable climate without the underlying factor [of climate change] is less than one in a hundred billion,” the researchers said, and it meant that despite all the expensive new technology farmers kept introducing, “they have succeeded only in standing still, not in moving forward.” Assuming the same trends continued, yields would actually start to decline inside of two decades, they reported. In June 2018, researchers found that a two-degree Celsius rise in temperature — which, recall, is what the Paris accords are now aiming for — could cut U.S. corn yields by 18 percent. A four-degree increase — which is where our current trajectory will take us — would cut the crop almost in half. The United States is the world’s largest producer of corn, which in turn is the planet’s most widely grown crop. Corn is vulnerable because even a week of high temperatures at the key moment can keep it from fertilizing. (“You only get one chance to pollinate a quadrillion kernels of corn,” the head of a commodity consulting firm explained.) But even the hardiest crops are susceptible. Sorghum, for instance, which is a staple for half a billion humans, is particularly hardy in dry conditions because it has big, fibrous roots that reach far down into the earth. Even it has limits, though, and they are being reached. Thirty years of data from the American Midwest show that heat waves affect the “vapor pressure deficit,” the difference between the water vapor in the sorghum leaf’s interior and that in the surrounding air. Hotter weather means the sorghum releases more moisture into the atmosphere. Warm the planet’s temperature by two degrees Celsius — which is, again, now the world’s goal — and sorghum yields drop 17 percent. Warm it five degrees Celsius (nine degrees Fahrenheit), and yields drop almost 60 percent. It’s hard to imagine a topic duller than sorghum yields. It’s the precise opposite of clickbait. But people have to eat; in the human game, the single most important question is probably “What’s for dinner?” And when the answer is “Not much,” things deteriorate fast. In 2010 a severe heat wave hit Russia, and it wrecked the grain harvest, which led the Kremlin to ban exports. The global price of wheat spiked, and that helped trigger the Arab Spring — Egypt at the time was the largest wheat importer on the planet. That experience set academics and insurers to work gaming out what the next food shock might look like. In 2017 one team imagined a vigorous El Niño, with the attendant floods and droughts — for a season, in their scenario, corn and soy yields declined by 10 percent, and wheat and rice by 7 percent. The result was chaos: “quadrupled commodity prices, civil unrest, significant negative humanitarian consequences . . . Food riots break out in urban areas across the Middle East, North Africa, and Latin America. The euro weakens and the main European stock markets lose ten percent.” At about the same time, a team of British researchers released a study demonstrating that even if you can grow plenty of food, the transportation system that distributes it runs through just fourteen major choke-points, and those are vulnerable to — you guessed it — massive disruption from climate change. For instance, U.S. rivers and canals carry a third of the world’s corn and soy, and they’ve been frequently shut down or crimped by flooding and drought in recent years. Brazil accounts for 17 percent of the world’s grain exports, but heavy rainfall in 2017 stranded three thousand trucks. “It’s the glide path to a perfect storm,” said one of the report’s authors. Five weeks after that, another report raised an even deeper question. What if you can figure out how to grow plenty of food, and you can figure out how to guarantee its distribution, but the food itself has lost much of its value? The paper, in the journal Environmental Research, said that rising carbon dioxide levels, by speeding plant growth, seem to have reduced the amount of protein in basic staple crops, a finding so startling that, for many years, agronomists had overlooked hints that it was happening. But it seems to be true: when researchers grow grain at the carbon dioxide levels we expect for later this century, they find that minerals such as calcium and iron drop by 8 percent, and protein by about the same amount. In the developing world, where people rely on plants for their protein, that means huge reductions in nutrition: India alone could lose 5 percent of the protein in its total diet, putting 53 million people at new risk for protein deficiency. The loss of zinc, essential for maternal and infant health, could endanger 138 million people around the world. In 2018, rice researchers found “significantly less protein” when they grew eighteen varieties of rice in high–carbon dioxide test plots. “The idea that food became less nutritious was a surprise,” said one researcher. “It’s not intuitive. But I think we should continue to expect surprises. We are completely altering the biophysical conditions that underpin our food system.” And not just ours. People don’t depend on goldenrod, for instance, but bees do. When scientists looked at samples of goldenrod in the Smithsonian that dated back to 1842, they found that the protein content of its pollen had “declined by a third since the industrial revolution — and the change closely tracks with the rise in carbon dioxide.” Bees help crops, obviously, so that’s scary news. But in August 2018, a massive new study found something just as frightening: crop pests were thriving in the new heat. “It gets better and better for them,” said one University of Colorado researcher. Even if we hit the UN target of limiting temperature rise to two degrees Celsius, pests should cut wheat yields by 46 percent, corn by 31 percent, and rice by 19 percent. “Warmer temperatures accelerate the metabolism of insect pests like aphids and corn borers at a predictable rate,” the researchers found. “That makes them hungrier[,] and warmer temperatures also speed up their reproduction.” Even fossilized plants from fifty million years ago make the point: “Plant damage from insects correlated with rising and falling temperatures, reaching a maximum during the warmest periods.”

### OFF

#### The fifty states and all relevant territories should expand their anti-trust laws to prohibit anticompetitive business practices in the delegation of generic Top-Level Domains by the private sector.

#### Solves – no risk of preemption

Waller, 03 (Spencer Weber Waller, Professor and Director of the Institute for Consumer Antitrust Studies, Loyola University Chicago School of Law, “The Incoherence of Punishment in Antitrust”, Chicago-Kent Law Review, April, 2003, https://scholarship.kentlaw.iit.edu/cklawreview/vol78/iss1/8/)//babcii

The remaining governmental enforcer is at the state rather than the federal level. The attorneys general of the fifty states, the District of Columbia, Puerto Rico, the Virgin Islands, Guam, and other United States dependencies and territories each enforce their own state or territorial level antitrust laws. 61 Most of these laws track the substance of the Sherman Act fairly closely, but each state has different exemptions, procedures, and remedies. The Supreme Court is quite clear that the states (and territories) are normally free to grant greater or lesser rights than the federal antitrust laws without preemption being an issue.6 One important difference is that federal antitrust law permits suit for treble damages only for direct purchasers-those who dealt directly with the unlawful price fixers or monopolists-while a substantial number of states permit suits by indirect purchasers under state antitrust law. 63 The states also frequently bring suit under the federal antitrust laws. First, the states purchase an enormous amount of goods and services. Where they are victims of antitrust violations in their capacity as purchasers they are entitled to treble damages like any other private plaintiff.64 Second, the states have been granted parens patriae powers to sue on behalf of any natural persons in their jurisdiction who have been injured by reason of any antitrust violation.65 The states have come under tremendous criticism for their more activist posture. Critics have argued that the states are merely free riders on federal enforcement efforts or, when the states pursue a separate agenda, they are doing so for narrow partisan political reasons unrelated to sound antitrust and competition policy.66 The states understandably disagree. Their ability to sue on their own behalf and on behalf of their citizens is enshrined in federal legislation. Their ability to enact their own state antitrust statutes and empower their officials and private parties to sue under them flows from their sovereign status under the Constitution. The states also dispute the free rider label, pointing to important antitrust litigation where either the states acted before the federal government, or where the federal government took no action at all.67 They point to the efficiency-enhancing aspects of pooling resources and of collective investigation and prosecution of nationwide cases. 68 Finally, the states have long argued that the state attorneys general are more sensitively attuned to the issues affecting the citizens of their states than the federal antitrust agencies could ever be. They can therefore better represent the public interest even at the risk of coming under the sway of interest groups representing competitors of a potential antitrust defendant.

### OFF

#### Growth high now – dependent on business investment and spending

Mutikani 21 (Lucia Mutikani, Economics correspondent @ Reuters, “U.S. corporate profits soar in second quarter; economic growth raised”, August 26, 21, Reuters, https://www.reuters.com/business/us-second-quarter-economic-growth-revised-slightly-higher-weekly-jobless-claims-2021-08-26/)//babcii

The level of GDP is now 0.8% higher than it was at its peak in the fourth quarter of 2019. The upward revisions to last quarter's GDP growth reflected a slightly more robust pace of consumer spending and business investment than initially estimated. Demand was driven by one-time stimulus checks from the government to some middle- and low-income households. The Federal Reserve has maintained its ultra-easy monetary policy stance, keeping interest rates at historically low levels and boosting stock market prices. Stocks were trading lower. The dollar [(.DXY)](https://www.reuters.com/quote/.DXY) rose against a basket of currencies. U.S. Treasury prices were mostly lower. Consumer spending, which accounts for more than two-thirds of the U.S. economy, appears to be cooling. Credit card data suggests spending on services like airfares, cruises as well as hotels and motels has been slowing. "This is a speed bump due to the interaction of Delta and supply-side constraints," said Michelle Meyer, chief U.S. economist at Bank of America Securities in New York. "We still believe the foundation for the economy is solid and all signs point to strong underlying demand." Bank of America Securities has slashed its GDP growth estimate for the third quarter to a 4.5% pace from a 7.0% rate. Growth is expected to pick up in the fourth quarter, in part driven by businesses replenishing inventories, which were drawn down in the first half of the year to meet the strong demand. Overall, economists expect growth of around 7% this year, which would be the strongest performance since 1984. Though the boost from fiscal stimulus is waning, demand remains underpinned by a strengthening labor market. A separate report from the Labor Department on Thursday showed initial claims for state unemployment benefits rose 4,000 to a seasonally adjusted 353,000 for the week ended Aug. 21. Adjusting the data for seasonal fluctuations is tricky around this time of the year, a task that has been complicated by the pandemic. That could account for the increase in applications last week. Unadjusted claims dropped 11,699 to 297,765 last week.

#### 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.

#### Extinction – climate, pandemics, and fopo

**Baird, 20** (Zoë Baird, A.B. Phi Beta Kappa and J.D. from the University of California, Berkeley, Member of the Aspen Strategy Group, CEO and President of the Markle Foundation, Former Trustee at the Council on Foreign Relations and Partner in the law firm of O’Melveny & Myers, “Equitable Economic Recovery Is a National Security Imperative”, in Domestic and International (Dis)Order: A Strategic Response, Ed. Bitounis and King, October 2020, p. 89-90)

Broadly shared economic prosperity is a bedrock of America’s economic and political strength—both domestically and in the international arena. A strong and equitable recovery from the economic crisis created by COVID-19 would be a powerful testament to the resilience of the American system and its ability to create prosperity at a time of seismic change and persistent global crisis. Such a recovery could attack the profound economic inequities that have developed over the past several decades. Without bold action to help all workers access good jobs as the economy returns, the United States risks undermining the legitimacy of its institutions and its international standing. The outcome will be a key determinant of America’s national security for years to come.

An equitable recovery requires a national commitment to help all workers obtain good jobs—particularly the two-thirds of adults without a bachelor’s degree and people of color who have been most affected by the crisis and were denied opportunity before it. As the nation engages in a historic debate about how to accelerate economic recovery, ambitious public investment is necessary to put Americans back to work with dignity and opportunity. We need an intentional effort to make sure that the jobs that come back are good jobs with decent wages, benefits, and mobility and to empower workers to access these opportunities in a profoundly changed labor market.

To achieve these goals, American policy makers need to establish job growth strategies that address urgent public needs through major programs in green energy, infrastructure, and health. Alongside these job growth strategies, we need to recognize and develop the talents of workers by creating an adult learning system that meets workers’ needs and develops skills for the digital economy. The national security community must lend its support to this cause. And as it does so, it can bring home the lessons from the advances made in these areas in other countries, particularly our European allies, and consider this a realm of international cooperation and international engagement.

Shared Economic Prosperity Is a National Security Asset

A strong economy is essential to America’s security and diplomatic strategy. Economic strength increases our influence on the global stage, expands markets, and funds a strong and agile military and national defense. Yet it is not enough for America’s economy to be strong for some—prosperity must be broadly shared. Widespread belief in the ability of the American economic system to create economic security and mobility for all—the American Dream— creates credibility and legitimacy for America’s values, governance, and alliances around the world.

After World War II, the United States grew the middle class to historic size and strength. This achievement made America the model of the free world—setting the stage for decades of American political and economic leadership. Domestically, broad participation in the economy is core to the legitimacy of our democracy and the strength of our political institutions. A belief that the economic system works for millions is an important part of creating trust in a democratic government’s ability to meet the needs of the people.

The COVID-19 Crisis Puts Millions of American Workers at Risk

For the last several decades, the American Dream has been on the wane. Opportunity has been increasingly concentrated in the hands of a small share of workers able to access the knowledge economy. Too many Americans, particularly those without four-year degrees, experienced stagnant wages, less stability, and fewer opportunities for advancement.

Since COVID-19 hit, millions have lost their jobs or income and are struggling to meet their basic needs—including food, housing, and medical care.1 The crisis has impacted sectors like hospitality, leisure, and retail, which employ a large share of America’s most economically vulnerable workers, resulting in alarming disparities in unemployment rates along education and racial lines. In August, the unemployment rate for those with a high school degree or less was more than double the rate for those with a bachelor’s degree.2 Black and Hispanic Americans are experiencing disproportionately high unemployment, with the gulf widening as the crisis continues.3

The experience of the Great Recession shows that without intentional effort to drive an inclusive recovery, inequality may get worse: while workers with a high school education or less experienced the majority of job losses, nearly all new jobs went to workers with postsecondary education. Inequalities across racial lines also increased as workers of color worked in the hardest-hit sectors and were slower to recover earnings and income than White workers.4

The Case for an Inclusive Recovery

A recovery that promotes broad economic participation, renewed opportunity, and equity will strengthen American moral and political authority around the world. It will send a strong message about the strength and resilience of democratic government and the American people’s ability to adapt to a changing global economic landscape. An inclusive recovery will reaffirm American leadership as core to the success of our most critical international alliances, which are rooted in the notion of shared destiny and interdependence. For example, NATO, which has been a cornerstone of U.S. foreign policy and a force of global stability for decades, has suffered from American disengagement in recent years. A strong American recovery—coupled with a renewed openness to international collaboration—is core to NATO’s ability to solve shared geopolitical and security challenges. A renewed partnership with our European allies from a position of economic strength will enable us to address global crises such as climate change, global pandemics, and refugees. Together, the United States and Europe can pursue a commitment to investing in workers for shared economic competitiveness, innovation, and long-term prosperity.

The U.S. has unique advantages that give it the tools to emerge from the crisis with tremendous economic strength— including an entrepreneurial spirit and the technological and scientific infrastructure to lead global efforts in developing industries like green energy and biosciences that will shape the international economy for decades to come.

### OFF

#### The plans investment into the criminality divide upholds modern day incarceration

Grasso, 18 (Anthony Grasso, Ph.D. in Political Science from the University of Pennsylvania and B.A.s in Political Science and History from Rutgers University “Punishment And Privilege: The Politics Of Class, Crime, And Corporations In America”, 2018, University of Pennsylvania, https://repository.upenn.edu/cgi/viewcontent.cgi?article=4860&context=edissertations)//babcii

V. Conclusion

By the 1950s, regulation was the state’s main response to corporate wrongdoing. Any potential in the earlier stages of the New Deal to create a new way of overseeing corporate crime was extinguished by bankers, exchange officials, industry executives, and legislators who appealed to older regulatory ideologies. By the 1940s and 1950s, shifts towards commercial Keynesianism ensured that the state not only viewed the prosecution of corporations as rarely appropriate, but also saw too much regulation as hostile to economic progress.

The political development of the regulatory state during the New Deal and midcentury mirrors the story David Vogel tells about the latter twentieth century. During a period of economic crisis, legislators and the public were keen to listen to the demands of industry. At a moment where there was tremendous fear of over-burdening the businesses trying recover from the Depression, the voices of the primary sectors the economy were amplified in the political arena. Industry leaders used this opportunity to good effect, reframing regulatory ideology to have a specific appeal in the political and economic climate of the Great Depression.

Most importantly, the story of the New Deal illustrates how deeply entrenched regulatory ideology was in political institutions. Policymakers intent on pushing back on the status quo who had reputations for cracking down on corporate power—like Thurman Arnold, William O. Douglas, and Thomas Corcoran—were in positions of power in the 1930s and 1940s. Still, they remained wedded to the basic precepts of regulatory ideology that shaped the institutions they operated within. By the time political actors seeking real change secured real power, the regulatory approach to monitoring corporate wrongdoing had firmly established itself as a common-sense approach.

The regulatory state was designed within a specific set of ideological parameters that hardened over time. The regulatory state sends an ideological message that the corporate actor who commits a crime is tangibly different from the “common criminal,” and his or her actions therefore take on a unique and more favorable meaning. This system exists next to a criminal justice system that expresses the ideological message that the poor are pathologically dangerous. Beginning in the 1960s, these two institutional arrangements worked in tandem to promote the class-based brand of punitive politics that drove mass incarceration by channeling street criminality into criminal justice institutions and corporate criminality into regulatory arrangements separated from the dynamics of carceral growth

CHAPTER 8: THE MUTUAL CONSTITUTION OF CLASS AND CRIME IN AMERICAN POLITICAL DEVELOPMENT

“We are the good guys…We are on the side of the angels.” - Jeffrey Skilling, former Enron CEO, in the wake of Enron’s collapse (2002)1061

When Jeffrey Skilling told a Senate Committee shortly after Enron’s collapse that the company’s leadership consisted of “the good guys,” he made a familiar appeal. He defended his arguably criminal actions through reference to the good character and intentions of business leaders. But his statement also made an assumption—the assumption that everyone knew who the “bad guys” were.

It is thoroughly documented that the U.S. is the world’s leader in incarceration and has also historically struggled to prosecute corporate crime. This project has illustrated how these phenomena are related. Distinctive ideational constructions of street and corporate criminality have been entrenched into U.S. regulatory and carceral apparatuses, but both reflect and reinforce a common set of ideas about who the “bad guys,” or the real “criminals,” are.

The state’s approaches to monitoring street and corporate criminality are products of a shared set of political and ideological forces. In the late nineteenth century, regulatory and rehabilitative ideologies were built around a common conception of criminality that poor, low-income, and socially marginalized populations fit and corporate leaders did not. These ideologies have travelled over time and been embedded into carceral and regulatory institutions that have hardened in ways that legitimize this politically constructed idea of criminality. This dissertation has shown how this idea originated and, at formative junctures, was embedded into the state’s criminal justice and regulatory machinery.

#### The alt is a continuum of solutions based on decarceration that restructures justice

Davis 3 – American political activist, philosopher, academic, Marxist feminist, and author. She is a professor emerita at the University of California, Santa Cruz [Angela, Are Prisons Obsolete?, 2003, pg. 106-108, DKP]

It is true that if we focus myopically on the existing system-and perhaps this is the problem that leads to the assumption that imprisonment is the only alternative to death-it is very hard to imagine a structurally similar system capable of handling such a vast population of lawbreakers. If, however, we shift our attention from the prison, perceived as an isolated institution, to the set of relationships that comprise the prison industrial complex, it may be easier to think about alternatives. In other words, a more complicated framework may yield more options than if we simply attempt to discover a single substitute for the prison system. The first step, then, would be to let go of the desire to discover one single alternative system of punishment that would occupy the same footprint as the prison system.

Since the 1980s, the prison system has become increasingly ensconced in the economic, political and ideological life of the United States and the transnational trafficking in U.s. commodities, culture, and ideas. Thus, the prison industrial complex is much more than the sum of all the jails and prisons in this country. It is a set of symbiotic relationships among correctional communities, transnational corporations, media conglomerates, guards' unions, and legislative and court agendas. If it is true that the contemporary meaning of punishment is fashioned through these relationships, then the most effective abolitionist strategies will contest these relationships and propose alternatives that pull them apart. What, then, would it mean to imagine a system in which punishment is not allowed to become the source of corporate profit? How can we imagine a society in which race and class are not primary determinants of punishment? Or one in which punishment itself is no longer the central concern in the making of justice?

An abolitionist approach that seeks to answer questions such as these would require us to imagine a constellation of alternative strategies and institutions, with the ultimate aim of removing the prison from the social and ideological landscapes of our society. In other words, we would not be looking for prisonlike substitutes for the prison, such as house arrest safeguarded by electronic surveillance bracelets. Rather, positing decarceration as our overarching strategy, we would try to envision a continuum of alternatives to imprisonment-demilitarization of schools, revitalization of education at all levels, a health system that provides free physical and mental care to all, and a **justice system based on reparation and reconciliation** rather than retribution and vengeance.

The creation of new institutions that lay claim to the space now occupied by the prison can eventually start to crowd out the prison so that it would inhabit increasingly smaller areas of our social and psychic landscape. Schools can therefore be seen as the most powerful alternative to jails and prisons. Unless the current structures of violence are eliminated from schools in impoverished communities of color-including the presence of armed security guards and police-and unless schools become places that encourage the joy of learning, these schools will remain the major conduits to prisons. The alternative would be to transform schools into vehicles for decarceration. Within the health care system, it is important to emphasize the current scarcity of institutions available to poor people who suffer severe mental and emotional illnesses. There are currently more people with mental and emotional disorders in jails and prisons than in mental institutions. This call for new facilities designed to assist poor people should not be taken as an appeal to reinstitute the old system of mental institutions, which were and in many cases still are-as repressive as the prisons. It is simply to suggest that the racial and class disparities in care available to the affluent and the deprived need to be eradicated, thus creating another vehicle for decarceration.

To reiterate, rather than try to imagine one single alternative to the existing system of incarceration, we might envision an array of alternatives that will require radical transformations of many aspects of our society. Alternatives that fail to address racism, male dominance, homophobia, class bias, and other structures of domination will not, in the final analysis, lead to decarceration and will not advance the goal of abolition.

## Case

### Advantage 1

#### Interdependence doesn’t solve war

Miller 14 – Charles Miller, Lecturer at the Strategic and Defence Studies Centre at the Australian National University, “Globalisation and War”, April, <http://www.aspistrategist.org.au/globalisation-and-war/>

John O’Neal and Bruce Russett’s work is perhaps the best known in this regard—and Steven Pinker cites them approvingly in his book The Better Angels of Our Nature. Analysing trade and conflict data from the nineteenth to the twenty-first centuries, they found that trade flows do have a significant impact in reducing the chances of conflict, even when taking a variety of other factors into account. But their conclusions have in turn been questioned by other scholars. For one thing, their model failed to take three things into account. First, it’s quite possible that peace causes trade rather than the other way around—no company wants to start an export business to another country if it anticipates that business linkages will be cut off by war further down the line. Second, conflict behaviour exhibits what’s called ‘network effects’— if France and Germany are at peace, chances are Belgium and Germany will be too. And third, both the likelihood of conflict and the level of trade are influenced by the number of years a pair of countries has already been at peace—because prolonged periods of peace increase mutual trust. Take any of these factors into account, and studies have shown (here and here) that the apparent relationship between trade flows and peace disappears. Perhaps, though, conceiving of globalisation solely in terms of trade flows is mistaken. Alternative indicators of globalisation include foreign direct investment, financial openness and the levels of government intervention in economic relations with the rest of the world. Data on those variables is less extensive than on trade flows, usually dating back only to the post World War II period. But some analysts, such as Patrick McDonald and Erik Gartzke, have argued that a significant correlation can be found between them and a reduction in the probability of conflict. Those findings, newer than O’Neal and Russett’s, haven’t yet been subjected to the same intense scrutiny, so may in turn be qualified by future research. What does all that mean for the policy-maker? The statistical evidence certainly doesn’t tell us that globalisation has made war in East Asia impossible. ‘Cromwell’s law’ counsels us that a logically conceivable event should never be assigned a probability of zero. The most we could conclude is that globalisation has made such an occurrence much less likely. There’s some hopeful numerical evidence that globalisation does indeed have that effect, but the evidence isn’t so compelling that we can substitute an economic engagement policy for a security policy. By all means, let’s continue to promote trade in the Asia-Pacific. But we should also continue to be prepared for scenarios which are unlikely but would be hugely damaging if they were to occur.

#### No order impact.

Ikenberry 18 G. John Ikenberry, International Relations Professor at Princeton. [Why the Liberal World Order Will Survive, Roundtable: Rising Powers and the International Order, Ethics & Affairs, 32(1), p. 17–29]//BPS

Self-Reinforcing Characteristics of Liberal International Order The United States has dominated the post-war international order. It is an order built on asymmetries of power; it is hierarchical. But it is not an imperial system. It is a complex and multilayered political formation with liberal characteristics— openness and rules-based principles—that generate incentives and opportunities for other states to join and operate within it. Four characteristics reinforce and draw states into the order. First, it has integrative tendencies. Over the last century states with diverse characteristics have found pathways into its “ecosystem” of rules and institutions. Germany and Japan found roles and positions of authority in the post-war order; and after the cold war many more states—in Eastern Europe, Asia, and elsewhere—have joined its economic and security partnerships. It is the multilateral logic of the order that makes it relatively easy for states to join and rise up within the order. Second, the liberal order offers opportunities for leadership and shared authority. One state does not “rule” the system. The system is built around institutions, and this provides opportunities for shifting and expanding coalitions of states to share leadership. Formal institutions, such as the IMF and World Bank, are led by boards of directors and weighted voting. Informal groups, such as the G-7 and G-20, are built on principles of collective governance. Third, the actual economic gains from participation within the liberal order are widely shared. In colonial and informal imperial systems, the gains from trade and investment are disproportionately enjoyed by the lead state. In the existing order, the “profits of modernity” are distributed across the system. Indeed, China’s great economic ascent was only possible because the liberal international order rewarded its pursuit of openness and trade-oriented growth. For the same reason, states in all regions of the world have made systematic efforts to integrate into the system. Finally, the liberal international order accommodates a diversity of models and strategies of growth and development. In recent decades the Anglo-American model of neoliberalism has been particularly salient. But the post-war system also provides space for other capitalist models, such as those associated with European social democracy and East Asian developmental statism. The global capitalist system might generate some pressures for convergence, but it also provides space for the coexistence of alternative models and ideologies. These aspects of the liberal international order create incentives and opportunities for states to integrate into its core economic and political realms. The order allows states to share in its economic spoils. Its pluralistic character creates possibilities for states to “work the system”—to join in, negotiate, and maneuver in ways that advance their interests. This, in turn, creates an order with expanding constituencies that have a stake in its continuation. Compared to imperial and colonial orders of the past, the existing order is easy to join and hard to overturn.

#### No cyber impact

Gray 13 [Colin S., Prof. of International Politics and Strategic Studies @ the University of Reading and External Researcher @ the Strategic Studies Institute @ the U.S. Army War College, April, “Making Strategic Sense of Cyber Power: Why the Sky Is Not Falling,” U.S. Army War College Press, <http://www.strategicstudiesinstitute.army.mil/pdffiles/PUB1147.pdf>]

CONCLUSIONS AND RECOMMENDATIONS: THE SKY IS NOT FALLING¶ This analysis has sought to explore, identify, and explain the strategic meaning of cyber power. The organizing and thematic question that has shaped and driven the inquiry has been “So what?” Today we all do cyber, but this behavior usually has not been much informed by an understanding that reaches beyond the tactical and technical. I have endeavored to analyze in strategic terms what is on offer from the largely technical and tactical literature on cyber. What can or might be done and how to go about doing it are vitally important bodies of knowledge. But at least as important is understanding what cyber, as a fifth domain of warfare, brings to national security when it is considered strategically. Military history is stocked abundantly with examples of tactical behavior un - guided by any credible semblance of strategy. This inquiry has not been a campaign to reveal what cy ber can and might do; a large literature already exists that claims fairly convincingly to explain “how to . . .” But what does cyber power mean, and how does it fit strategically, if it does? These Conclusions and Rec ommendations offer some understanding of this fifth geography of war in terms that make sense to this strategist, at least. ¶ 1. Cyber can only be an enabler of physical effort. Stand-alone (popularly misnamed as “strategic”) cyber action is inherently grossly limited by its immateriality. The physicality of conflict with cyber’s human participants and mechanical artifacts has not been a passing phase in our species’ strategic history. Cyber action, quite independent of action on land, at sea, in the air, and in orbital space, certainly is possible. But the strategic logic of such behavior, keyed to anticipated success in tactical achievement, is not promising. To date, “What if . . .” speculation about strategic cyber attack usually is either contextually too light, or, more often, contextually unpersuasive. 49 However, this is not a great strategic truth, though it is a judgment advanced with considerable confidence. Although societies could, of course, be hurt by cyber action, it is important not to lose touch with the fact, in Libicki’s apposite words, that “[i]n the absence of physical combat, cyber war cannot lead to the occupation of territory. It is almost inconceivable that a sufficiently vigorous cyber war can overthrow the adversary’s government and replace it with a more pliable one.” 50 In the same way that the concepts of sea war, air war, and space war are fundamentally unsound, so also the idea of cyber war is unpersuasive. ¶ It is not impossible, but then, neither is war conducted only at sea, or in the air, or in space. On the one hand, cyber war may seem more probable than like environmentally independent action at sea or in the air. After all, cyber warfare would be very unlikely to harm human beings directly, let alone damage physically the machines on which they depend. These near-facts (cyber attack might cause socially critical machines to behave in a rogue manner with damaging physical consequences) might seem to ren - der cyber a safer zone of belligerent engagement than would physically violent action in other domains. But most likely there would be serious uncertainties pertaining to the consequences of cyber action, which must include the possibility of escalation into other domains of conflict. Despite popular assertions to the contrary, cyber is not likely to prove a precision weapon anytime soon. 51 In addition, assuming that the political and strategic contexts for cyber war were as serious as surely they would need to be to trigger events warranting plausible labeling as cyber war, the distinctly limited harm likely to follow from cyber assault would hardly appeal as prospectively effective coercive moves. On balance, it is most probable that cyber’s strategic future in war will be as a contribut - ing enabler of effectiveness of physical efforts in the other four geographies of conflict. Speculation about cyber war, defined strictly as hostile action by net - worked computers against networked computers, is hugely unconvincing.¶ 2. Cyber defense is difficult, but should be sufficiently effective. The structural advantages of the offense in cyber conflict are as obvious as they are easy to overstate. Penetration and exploitation, or even attack, would need to be by surprise. It can be swift almost beyond the imagination of those encultured by the traditional demands of physical combat. Cyber attack may be so stealthy that it escapes notice for a long while, or it might wreak digital havoc by com - plete surprise. And need one emphasize, that at least for a while, hostile cyber action is likely to be hard (though not quite impossible) to attribute with a cy - berized equivalent to a “smoking gun.” Once one is in the realm of the catastrophic “What if . . . ,” the world is indeed a frightening place. On a personal note, this defense analyst was for some years exposed to highly speculative briefings that hypothesized how unques - tionably cunning plans for nuclear attack could so promptly disable the United States as a functioning state that our nuclear retaliation would likely be still - born. I should hardly need to add that the briefers of these Scary Scenarios were obliged to make a series of Heroic Assumptions. ¶ The literature of cyber scare is more than mildly reminiscent of the nuclear attack stories with which I was assailed in the 1970s and 1980s. As one may observe regarding what Winston Churchill wrote of the disaster that was the Gallipoli campaign of 1915, “[t]he terrible ‘Ifs’ accumulate.” 52 Of course, there are dangers in the cyber domain. Not only are there cyber-competent competitors and enemies abroad; there are also Americans who make mistakes in cyber operation. Furthermore, there are the manufacturers and constructors of the physical artifacts behind (or in, depending upon the preferred definition) cyber - space who assuredly err in this and that detail. The more sophisticated—usually meaning complex—the code for cyber, the more certain must it be that mistakes both lurk in the program and will be made in digital communication.¶ What I have just outlined minimally is not a reluc - tant admission of the fallibility of cyber, but rather a statement of what is obvious and should be anticipat - ed about people and material in a domain of war. All human activities are more or less harassed by friction and carry with them some risk of failure, great or small. A strategist who has read Clausewitz, especially Book One of On War , 53 will know this. Alternatively, anyone who skims my summary version of the general theory of strategy will note that Dictum 14 states explicitly that “Strategy is more difficult to devise and execute than are policy, operations, and tactics: friction of all kinds comprise phenomena inseparable from the mak - ing and execution of strategies.” 54 Because of its often widely distributed character, the physical infrastruc - ture of an enemy’s cyber power is typically, though not invariably, an impracticable target set for physical assault. Happily, this probable fact should have only annoying consequences. The discretionary nature and therefore the variable possible characters feasible for friendly cyberspace(s), mean that the more danger - ous potential vulnerabilities that in theory could be the condition of our cyber-dependency ought to be avoidable at best, or bearable and survivable at worst. Libicki offers forthright advice on this aspect of the subject that deserves to be taken at face value: ¶ [T]here is no inherent reason that improving informa - tion technologies should lead to a rise in the amount of critical information in existence (for example, the names of every secret agent). Really critical information should never see a computer; if it sees a computer, it should not be one that is networked; and if the computer is networked, it should be air-gapped.¶ Cyber defense admittedly is difficult to do, but so is cyber offense. To quote Libicki yet again, “[i]n this medium [cyberspace] the best defense is not necessarily a good offense; it is usually a good defense.” 56 Unlike the geostrategic context for nuclear-framed competition in U.S.–Soviet/Russian rivalry, the geographical domain of cyberspace definitely is defensible. Even when the enemy is both clever and lucky, it will be our own design and operating fault if he is able to do more than disrupt and irritate us temporarily.¶ When cyber is contextually regarded properly— which means first, in particular, when it is viewed as but the latest military domain for defense planning—it should be plain to see that cyber performance needs to be good enough rather than perfect. 57 Our Landpower, sea power, air power, and prospectively our space systems also will have to be capable of accepting combat damage and loss, then recovering and carrying on. There is no fundamental reason that less should be demanded of our cyber power. Second, given that cyber is not of a nature or potential character at all likely to parallel nuclear dangers in the menace it could con - tain, we should anticipate international cyber rivalry to follow the competitive dynamic path already fol - lowed in the other domains in the past. Because the digital age is so young, the pace of technical change and tactical invention can be startling. However, the mechanization RMA of the 1920s and 1930s recorded reaction to the new science and technology of the time that is reminiscent of the cyber alarmism that has flour - ished of recent years. 58 We can be confident that cyber defense should be able to function well enough, given the strength of political, military, and commercial motivation for it to do so. The technical context here is a medium that is a constructed one, which provides air-gapping options for choice regarding the extent of networking. Naturally, a price is paid in convenience for some closing off of possible cyberspace(s), but all important defense decisions involve choice, so what is novel about that? There is nothing new about accepting some limitations on utility as a price worth paying for security.¶ 3. Intelligence is critically important, but informa - tion should not be overvalued. The strategic history of cyber over the past decade confirms what we could know already from the science and technology of this new domain for conflict. Specifically, cyber power is not technically forgiving of user error. Cyber warriors seeking criminal or military benefit require precise information if their intended exploits are to succeed. Lucky guesses should not stumble upon passwords, while efforts to disrupt electronic Supervisory Con - trol and Data Acquisition (SCADA) systems ought to be unable to achieve widespread harmful effects. But obviously there are practical limits to the air-gap op - tion, given that control (and command) systems need to be networks for communication. However, Internet connection needs to be treated as a potential source of serious danger.¶ It is one thing to be able to be an electronic nuisance, to annoy, disrupt, and perhaps delay. But it is quite another to be capable of inflicting real persisting harm on the fighting power of an enemy. Critically important military computer networks are, of course, accessible neither to the inspired amateur outsider, nor to the malignant political enemy. Easy passing reference to a hypothetical “cyber Pearl Harbor” reflects both poor history and ignorance of contemporary military common sense. Critical potential military (and other) targets for cyber attack are extremely hard to access and influence (I believe and certainly hope), and the technical knowledge, skills, and effort required to do serious harm to national security is forbiddingly high. This is not to claim, foolishly, that cyber means absolutely could not secure near-catastrophic results. However, it is to say that such a scenario is extremely improbable. Cyber defense is advancing all the time, as is cyber offense, of course. But so discretionary in vital detail can one be in the making of cyberspace, that confidence—real confidence—in cyber attack could not plausibly be high. It should be noted that I am confining this particular discussion to what rather idly tends to be called cyber war. In political and strategic practice, it is unlikely that war would or, more importantly, ever could be restricted to the EMS. Somewhat rhetorically, one should pose the question: Is it likely (almost anything, strictly, is possible) that cyber war with the potential to inflict catastrophic damage would be allowed to stand unsupported in and by action in the other four geographical domains of war? I believe not.

### Advantage 2

#### IHRL fails inevitably because states don’t want accountability

Tanisha M. Fazal 18. Professor of political science, University of Minnesota. *Wars of Law*. Cornell University Press. 156-60.

The change in use of peace treaties has gone mostly unremarked in what is now a robust literature on war termination. This gap in the literature is problematic because peace treaties are more than mere formalities of war. Recent scholarship suggests that formal peace agreements have [end page 159] an independent effect on the duration and even perhaps the quality of peace. If this is the case, then the declining use of peace treaties in interstate war is a troubling trend.

The conventional wisdom among international lawyers is that the decline in peace treaty use, as with the decline in declarations of war, is explained by the emergence of the UN system. While there may be some truth to this claim, the empirical analysis in this chapter casts doubt on it. UN Security Council resolutions do not appear to substitute for peace treaties, and those states that concluded peace treaties in the UN era were all UN members. Non-UN members who participated in wars did not conclude peace treaties.

Instead, the evidence suggests that the decline in peace treaties is more closely correlated with the proliferation of international humanitarian law. I argue that this is because states seek to limit their legal liability under this developing body of international law, and so they avoid taking steps, such as making peace treaties, that clearly demarcate states of war. When states violate the laws of war during a conflict, they appear to be especially unlikely to conclude peace treaties; this is because they seek to avoid the window of accountability that negotiations for such a treaty would open.

#### R2P is out of style now but strong commitment to IHRL brings it back.

Ingrid Wuerth 17, Vanderbilt law professor, 12-14-2017, “International Law in the Post-Human Rights Era,” https://papers.ssrn.com/sol3/papers.cfm?abstract\_id=2947771

5. Humanitarian Intervention & Responsibility to Protect.—The claim that international human rights have transformed state sovereignty led to an explicit call for the use of force by the international community to prevent widespread human rights violations. This fifth doctrinal change goes under the heading of “humanitarian intervention” or (with somewhat different content) the “Responsibility to Protect” (R2P). Both are explicitly premised on a reorientation of sovereignty in favor of human rights couched as either the right of other states to intervene or as the responsibility of sovereigns to protect individual rights. Both have been diminished by the unsuccessful R2P intervention in Libya and subsequent failure of the international community to respond effectively to the crisis in Syria. The global failure to prevent war in Bosnia during the collapse of Yugoslavia and to prevent a horrific genocide in Rwanda during the 1990s led practitioners and scholars to look for new ways to improve the international response to such atrocities.116 Then during the spring of 1999, human rights abuses escalated in the Serbian province of Kosovo.117 Haunted by the events in Bosnia and in Rwanda, many state officials believed that it was morally unconscionable to watch the human rights situation deteriorate in Kosovo without responding.118 The U.N. Security Council was unable to act because Russia, with its permanent member’s veto, was a longtime ally of Serbia.119 Russia argued that the unrest in Kosovo was a domestic issue, not one that justified international intervention.120 These events led to an extensive debate about the wisdom and the legality of humanitarian intervention that lacked either the U.N. Security Council authorization or the consent of the territorial state.121 In the end, NATO launched a bombing campaign in Serbia, which NATO described partly in humanitarian terms. Some scholars have defended humanitarian intervention on the grounds that the protection and enforcement of human rights is “the ultimate justification of the existence of states.” 122 States that violate human rights are accordingly not protected by sovereignty from external military intervention.123 The Kosovo intervention had major ramifications. After the bombing campaign, the United Nations authorized a peacekeeping force in Kosovo. With the strong support of Western European countries and the United States, Kosovo declared its independence from Serbia in 2008.124 Serbia and its allies, especially Russia, strongly condemned the declaration of independence and continue today to refuse to recognize Kosovo.125 Russian officials in turn used the Kosovo precedent to support Russia’s use of force in both Georgia and Ukraine.126 Crimea, which was part of Ukraine, is today Russian. Russian justification for its actions against Georgia and Ukraine made repeated and clear references to precedent set by NATO in Kosovo. The events in Kosovo were not just directly destabilizing in terms of international peace and security, but they also led to the formation of an independent commission (the International Commission on Intervention and State Sovereignty or ICISS), which published a report entitled “The Responsibility to Protect.” 127 The United States and NATO had not explicitly defended the Kosovo intervention as consistent with international law, although the United Kingdom and Belgium did make an explicitly legal argument in favor of “humanitarian intervention.” 128 The ICISS report made a comprehensive defense of R2P, built on (but slightly different from) humanitarian intervention. The ICISS Report declared that states have a responsibility to protect not only their own citizens, but also those of foreign countries, from massive human rights violations.129 It lists as one of the foundations of R2P the “specific legal obligations under human rights and human protection declarations, covenants and treaties, international humanitarian law and national law.” 130 Unlike humanitarian intervention, R2P focuses on the responsibility of sovereigns rather than their rights.131 Like humanitarian intervention, however, the ICISS report supported the unilateral use of force by states to prevent widespread human rights atrocities if the U.N. Security Council is unable to act.132 The U.N. Secretary General subsequently endorsed R2P, but U.N. Member States did not accept that there was either a right or a duty to intervene militarily in humanitarian crises without the approval of the U.N. Security Council.133 The R2P principle initially appeared to receive a major boost from the 2011 Libya intervention. The U.N. Security Council authorized the use of force in Libya134 in part because the Libyan government “forfeited” its “responsibility to protect Libyan citizens, implicitly inviting the United Nations to act” 135 for humanitarian purposes, namely to protect the population from grave human rights violations.136 Libya was the first time that the Security Council approved the use of force as an application of the R2P doctrine.137 By all assessments, the Libya intervention started out well. As President Obama put it: “So we actually executed this plan as well as I could have expected: We got a UN mandate, we built a coalition, it cost us $1 billion—which, when it comes to military operations, is very cheap. We averted large-scale civilian casualties, we prevented what almost surely would have been a prolonged and bloody civil conflict.” 138 But today, Libya, a “key test of [the R2P] principle,” 139 is widely recognized as a failure. First, Libya itself is now in effect a failing state, with no central government, warring factions, and mounting civilian casualties.140 It is not at all clear that the Libyan intervention improved the lives or the human rights protection of Libyans in the medium-term.141 Second, Libya has become a haven for terrorists and ISIS, a situation that has forced the United States to use airstrikes within Libya.142 In that sense, the intervention has led to greater regional unrest, as the ISIS terrorists in Libya threaten other countries.143 Third, the Libyan intervention launched a contentious debate about the selective use of force and about regime change as an aspect of R2P.144 Past support of the Gadhafi regime by Western countries despite the regime’s dismal record on human rights, along with other factors, led to questions about political and economic motives for the intervention.145 Finally, the application of the R2P doctrine in Libya appears to be partly responsible for the decisions by Russia and China to block any U.N. Security Council resolution on the use of force for humanitarian purposes in Syria.146 Syrian protestors and rebels waited for the U.N. Security Council to authorize the use of force—and to save them and their country—but that support never came.147 The tragic humanitarian crisis and horrific violations of international law in Syria have undercut the R2P doctrine. 148 More recently, however, in April, 2017, President Trump launched missile strikes in response to Syria’s use of chemical weapons, which drew significant support from other states—in the form of both explicit approval and lack of condemnation.149 Most important, perhaps, was China’s decision not to condemn the strikes as a violation of international law.150 These events provide some support for R2P, although the U.S. government has not defended its actions in those terms. Russia’s condemnation of the strikes illustrate the difficulties of implementing R2P to the mutual satisfaction of countries with different strategic objectives.151

#### Extinction

Dan Trombly 11, Ph.D. Candidate in International Affairs at George Washington University, "Responsibility to Protect Ya Neck", September 3, http://fearhonorinterest.wordpress.com/2011/09/03/responsibility-to-protect-ya-neck/

Advocates should recognize that the world is more peaceful now than it has ever been before. Most of these improvements to human flourishing have occurred not because, but in spite, of the destabilizing potential of R2P. The UNSC-mandated peacekeeping interventions that Beauchamp praises existed before R2P, are often directed at states where formal sovereignty does not exist, and rarely involve the change of an established regime. They occur because of great power consensus about the need to restore order in anarchical spaces, and that consensus by great powers is exactly what R2P and the vision of a transformed world behind it threaten most.¶ R2P is dangerous because, in seeking to alleviate human suffering that, however horrible, pales in comparison to the violence of the past and even to the mass human catastrophe of much more easily alleviated and less politically controversial enterprises, such as famine, disease, and other challenges (which, as Jay Ulfelder has pointed out on Twitter, would be far less resource-intense commitments) call into question its value for human flourishing. In a world of limited resources, it might be easy to see why Libya is a better case for intervention than Syria or Yemen. It is harder to see why Libya’s situation is so terrible that it demands US resources and actions when Mexico sees 15,000 drug related murders a year or famine in Somalia kills hundreds of thousands. Of course, one can neatly sidestep this by noting the moral importance of R2P and the goals Beauchamp puts at its core, which seek not just to establish peace or prosperity as the absence of war and suffering, but in a positive sense through re-ordering the international system.¶ Yet to return to a doctrine which sanctifies, through an impossible moral vision of universal rights enforced upheld by great powers, is to flirt with disaster and the destabilization of the international order, which is built on uglier foundations than the ideals that R2P argues for. Accepting the absolutism of sovereignty does not mean morally accepting the righteousness of terrible regimes, but it does mean de-emphasizing the role of just causa, especially in the crusading theological sense, as a legitimate right to war. The stability of the 19th century among sovereign states was the result of the suppression of justa causa and its replacement with justis hostis. The recognition of other states as legitimate sovereign entities, and the de-emphasis of the religious and then political-ideological causes for launching “just wars of aggression” during the Wars of Religion and the era of the French Revolution allowed for the flourishing of modern international law and the development of restrictions on extremely brutal forms of warfare in the absence of a commonpotestas spiritualis.¶ The reintroduction of wars over regime-type, of universal ideologies seeking to expand through force, and the criminalization of certain sovereign states and behavior previously considered normal was what gave Schmitt so much hostility and animus towards international liberalism. The Cold War era, through a combination of bipolarity, nuclear deterrence, geographic dispositions of major powers, and technological changes, provided the foundations for stability and the reduction in major wars between states. Meanwhile, great power stability provided the scope for humanitarian intervention to mitigate the problems of civil wars. Libya is instructive because this did not come about through a common moral consensus, and to the extent it did it was possible through the elimination of the vehemently racialist or telluric regimes which opposed universal world order during WWII. The victory of a universal ideology was made possible first through the most devastating war in world history, and then through the containment and exhaustion of the next-strongest power of the batch which remained. Essentially, great power peace and Western might were prerequisites to the formation and application of the universal system of rights. Rather than strengthening them, the “new sovereignty” which R2P is supposed to advance is likely to seriously endanger those rights and the peace which was their foundation.¶ The countries which opposed R2P in Libya are not minor recalcitrant states. India and China are on the rise, and many Asian states share their skepticism of regime change and the idea of great powers regulating small states’ behavior towards their own peoples. Simply because R2P can’t be legitimately applied against Russia, China, or India does not mean that the doctrine does not have a destabilizing effect. In moralizing the international environment, the differences between the interests of Western powers and the more conservative powers of other states become more apparent. The attempt to apply R2P outside of America or Europe’s traditional areas of influence would be a serious provocation on the part of the Western world because it would have adverse geostrategic consequences for major Asian powers. Consider that the early and intermediate effects of responding to R2P violations by powers which are not ripe for external intervention are the traditional tactics of isolation. The moral condemnation of a regime, sanctions on its economy, and support of its opposition are all likely to push it into the arms and spheres of influence of powers such as Russia, China, or other less morally discriminating or liberally minded states. They also, historically, tend to do a poor job of preventing the potential for violent repression, since they encourage revolt but do not significantly weaken the ability of the targeted state to respond to it with force, as Burma shows. Lo and behold, Burma is in the Chinese orbit despite India’s best attempts to bring it out. Attempting to repeat the sliding scale of Burma elsewhere will lead to many of the same consequences.¶ Consider that in 2008 Bernard Kouchner and other R2P advocates were debating using the Burmese crime against humanity of denying aid delivered by military-affiliated relief forces to victims of Cyclone Nargis as justifying forced entry into Irrawady Division. So the idea of this sliding scale of isolation ending in an attack on a country, even in the context of R2P, does have some potential. It is the mere threat of this potential which will contribute to distrust of Western power and the erosion of great power stability**.** Unlike in the past, Western powers will no longer have a definitive upper hand in being able to deter alternative ideological agendas or foreign policies which challenge their own. As cases such as Iraq and Burma have shown us, the isolation of regimes through non-military means often binds them to foreign policies and internal policies which increase Western hostility to their continued existence. In the case of Burma and North Korea, the cumulative effect of those choices is also to draw them closer to powers such as China nad thus transform them from mere humanitarian disasters to ongoing humanitarian disasters which are potential flashpoints for war.¶ In other words, the implementation of R2P, even in the limited, circumscribed fashion that its more sober advocates argue for, puts into motion long-term changes which have a destabilizing result and increase the potential for internationalized civil war and the destabilization of great power relations. Furthermore, even touting the doctrine that a government’s sovereignty ought to be revoked on a moral basis if it does not promote individual rights is a direct and hostile provocation of Russia and China. The likely response, will likely be the adoption of vehemently anti-liberal ideologies by great powers which oppose R2P proponents, adding moral overtones to the fundamental differences in interest that the anti-sovereignty agenda of R2P will come to represent. More fundamental, and far more widely internalized than any of the abstract notions about sovereignty at the core of R2P, is the street wisdom of power competition, which, with equal apologies to ICISS and the Wu-Tang Clan, and credit to co-blogger Adam Elkus, one might call the “Responsibility to Protect Ya Neck.” The truly tragic thing about R2P is that it sets in motion the consequences it most wishes to avoid.

#### Strong IHRL creates a recognized right to secession—that causes dozens of conflicts that are dormant now.

Ingrid Wuerth 17, Vanderbilt law professor, 12-14-2017, “International Law in the Post-Human Rights Era,” https://papers.ssrn.com/sol3/papers.cfm?abstract\_id=2947771

4. Remedial Secession.—International human rights led to a fourth purported doctrinal change in international law: the emergence of a right to “remedial secession.” Like the others, this doctrine experienced a surge in academic enthusiasm in the 1990s based on some indicia of state practice. Contemporary arguments about secession are closely linked to the “self determination” of “peoples,” a right protected by the U.N. Charter,96 by the International Covenant on Civil and Political Rights,97 by the International Covenant on Economic, Social and Cultural Rights,98 and by a variety of other human rights instruments.99 That there is a right to self-determination for peoples subjected to colonial rule is now well-settled.100 The right to selfdetermination may also afford “peoples”—that is, groups united by some combination of race, ethnicity, territorial affiliation, language, and religion— a right to political representation within their state.101 If the state does not afford peoples internal self-determination, the state is arguably not fully sovereign, giving rise to a right of unilateral external secession or “remedial” secession.102 As Ruti Teitel puts it, the “values of stability of statehood” that had been “settled since the postwar period—entrenched in the UN Charter, and so on—are now in play with other values, such as those of the protection f persons and peoples, e.g., self-determination as a remedy for oppression.” 103 Teitel’s argument is part of an important strand of philosophical work on international law and its relationship to human rights.104 The right to remedial self-determination follows from the beginning premise that sovereignty and international law are only legitimate to the extent they represent and protect the individual; here, the individual’s rights and wellbeing are reflected in a group-based or collective right to self-determination. The difficulty with an international right to violent or “remedial” secession is that it threatens to increase armed conflicts and war, and to encourage the break-up of states into ever-smaller units. Descriptions of a right to remedial secession implicitly recognize these dangers by limiting it to situations in which peoples in question have suffered “extreme abuses” as in Teitel’s formulation of the argument. In one sense, it is difficult to see the basis for such a limitation. To the extent that a state has inflicted “very bad” (but not “extreme”) human rights abuses, the state is not acting as a legitimate sovereign, so that there is no sovereignty-based principle upon which to limit peoples’ right to violent secession. Yet the articulation of the right appears to include a concern about the values that undergird a state-based system: stability and limits on the use of force. Philosophers have taken various approaches to this question. Some, for example, defend a moral right to secession but limit it by what is feasible in the international legal order.105 Others, like Allan Buchanan, explicitly argue that a legal right to secede is “inherently institutional” and can only be defined with reference to its harmony “with the other main elements of a morally defensible international legal system”—including those aspects of the international legal order which discourage armed conflict.106 Again, this formulation of the right underscores the significance of the state-based international legal order, even when a state is violating the human rights of peoples within its territory. Turning to contemporary international law, it is widely (but not universally) accepted that there is no “right” to remedial secession,107 despite the push by many theorists and human rights activists, especially after the Cold War ended.108 Secession is closely linked to recognition. Recognition is the formal acknowledgement that a particular entity possesses the qualifications for statehood or that a particular regime is the effective government of a state. 109 Recognition is generally followed by the establishment of diplomatic relations, the possibility of acceptance into international organizations, and other indicia of statehood.110 Secessionist movements have recognition as their goal because it is an essential bridge to statehood. International recognition practice shows there is a very strong norm against unilateral secession in general. 111 Indeed, states almost always refuse to recognize secessionist groups as new states if their home states do not recognize them, even if the secession enjoys long-term military success.112 The norm against secession is so strong that even in the twenty-nine postWorld War II cases—not limited to cases of remedial secession—in which a secessionist movement opposed by its home state was able to both gain control of territory and govern a population for at least two years, only three (Bangladesh, Eritrea, and South Sudan) were fully successful, meaning that their statehood was eventually recognized by their home state. An additional three (Kosovo, Taiwan, and Palestine) have been recognized by more than ten members of the United Nations, but not by the state from which they seek to secede; none are members of the United Nations. The remaining twenty three “states” have been recognized by fewer than ten other states, or were reabsorbed into their home states. 113 Some of both the successful and the unsuccessful states involved claims of remedial secession, but there is widespread disagreement as to which situations present legitimate claims to remedial secession and which do not. Even in the cases that arguably provide the strongest support for remedial secession—Kosovo and South Sudan—the basis for secession is not clear and success in terms of recognition is best explained by power politics. 114 And although claims of human rights abuses directed at the group that seeks secession might improve their political arguments for recognition, international law does not require other states to accord recognition on this (or any other) basis.115

#### WWIII – turns and outweighs the entire case because it makes management of the commons impossible

Valaskakis, Former OECD Ambassador of Canada, 14

(Kimon, “Separatism Everywhere : The New Global Epidemic,” <http://www.huffingtonpost.com/kimon-valaskakis/separatism-everywhere-the_b_4977800.html>, ava)

Fourth and finally, there is simple self interest. Rich provinces, in a country, whose constitution obliges them to help poorer ones, (like Canada) may want to end these subsidies and keep all the money to themselves. Under this logic it should be Alberta rather than Quebec considering secession. When all is said and done, is all this good or bad news ? At first blush, by invoking the principle of self-determination, the virtues of decentralization and more responsible local government, we might be tempted to welcome these centrifugal forces. But upon reflection and careful analysis we should instead fear them because they will exacerbate the present mismanagement of our planet. The separatists often believe that they can repeal globalization by a simple declaration of sovereignty, the adoption of a new flag and national anthem and by being awarded a seat in the United Nations. This, unfortunately is a delusion. Globalization is fueled by international capital, labor and technology movements, the internet, global finance and powerful worldwide networks — some visible, others covert. Multinational corporations are going to remain global, and so are mafias, narco-cartels, organized crime, jihadists etc. If all the separatist movements in the world were to succeed, we could move from a present world of under 200 countries to one of over 1,000 -- all with an equal seat at the UN. Can you imagine how difficult it would be to decide on anything in a 1,000 strong UN general assembly? Think, also, of the balance of power: 1,000 fragmented small countries, plus their subnational governments, competing for the favors of a dozen huge unregulated global conglomerates. It would be an embarrassment of riches for the footloose conglomerates. It would also be Eldorado for organized crime, jihadists, tax evaders and assorted criminals vaulting from jurisdiction to jurisdiction. The sociologist, Daniel Bell once remarked,in the 1970s, that the nation state had become too big for the small problems and too small for the big ones. His words were prophetic but they cut both ways. National governments can no longer cope with pandemics, global warming, international terrorism, unregulated global finance -- unless they act in unison in intergovernmental organizations. But, by the same token, Lilliputian micro states, emerging from the global separatist wave, would be even be less capable to deal with these problems. Global governance would then be completely controlled by the remaining, still international, private networks. A scary scenario to be sure. Does that mean we must stay put and freeze present borders in perpetuity. No, obviously not. Re-arrangements and restructuring are necessary. But the more sustainable answer may be in new forms of federalism rather than in the pure multiplication of sovereignties. In today's interdependent world, sovereignty is an illusion except if you are a superpower. The problems are too big while the means available to the new so-called 'sovereign' government are too small. The 'balkanization' of Eastern and Southern Europe after the First World War, led to the Second World War. The balkanization of the world through wide-spread separatism could increase the probability of a third one. Not an inspiring scenario.

#### Trade is resilient

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\*\*NOTE: GFC = “global financial crisis”

The WTO and the global trading system faced a major test during the GFC [global financial crisis]. Although advanced economies went into recession on a scale that matched the Great Depression in terms of output and financial losses, and trade flows collapsed globally (by 12 per cent in 2009), there was no significant rise in tariffs and other trade barriers. 4 In the wake of the GFC, ‘murky’, non-tariff-based protectionist measures were introduced by some governments. Some estimates of these measures suggest that they accounted for more than half of all protectionist measures in the post-crisis period (Aggarwal & Evernett 2013). Policies like local content provisions and industrial policies that restrict global trade were introduced. But after the GFC, most countries actually continued to liberalise tariffs, and changes in trade policy (via raising tariffs or taking anti-dumping action) contributed only about 2 per cent of the observed drop in world trade in 2008–2009 (Kee et al. 2013). That is in major contrast to the effects of the Smoot-Hawley tariff wars during the Great Depression. Of the 4,144 trade measures recorded by Global Trade Alert from the start of the crisis to early 2014, 22.2 per cent have been coded ‘green’ (that is, they represent, in the opinion of GTA, liberalising policy), with 57.4 per cent coded ‘red’ (policy considered protectionist). 5 One reason why some developing countries in fact dropped tariffs and other trade barriers in the aftermath of the GFC may be the rise in global supply chain trade: when it is necessary to import in order to export, the risks of retaliation are larger and there are domestic producers that demand low import barriers (Gawande et al. 2014). But the role of the WTO in this should not be understated. Indeed, the rise of global supply chains is a consequence of the rules-based trading system that GATT/WTO underwrites. This was a significant achievement given the acute protectionist pressures. Leadership at the G20 had much to do with the ‘standstill’ on protection, but the shock of the GFC did not weaken the WTO or undermine the confidence that countries placed in it. The slow recovery of the advanced economies meant that protectionist forces put significant pressure on governments to close markets, but the global trading system has proved robust to these pressures. The robustness of the global trading system throughout the GFC and its aftermath has meant that recession and collapsed trade in some countries have not generated conflict between countries.

#### No proxy war impacts

Patrick, IR PhD, 11, IR PhD @ Oxford, senior fellow, director – program on international institutions and global governance @ Council on Foreign Relations, 4/15/’11 (Stewart M, “Why Failed States Shouldn’t Be Our Biggest National Security Fear,” <http://www.cfr.org/international-peace-and-security/why-failed-states-shouldnt-our-biggest-national-security-fear/p24689>)

In truth, while failed states may be worthy of America's attention on humanitarian and development grounds, most of them are irrelevant to U.S. national security. The risks they pose are mainly to their own inhabitants. Sweeping claims to the contrary are not only inaccurate but distracting and unhelpful, providing little guidance to policymakers seeking to prioritize scarce attention and resources.¶ In 2008, I collaborated with Brookings Institution senior fellow Susan E. Rice, now President Obama's permanent representative to the United Nations, on an index of state weakness in developing countries. The study ranked all 141 developing nations on 20 indicators of state strength, such as the government's ability to provide basic services. More recently, I've examined whether these rankings reveal anything about each nation's role in major global threats: transnational terrorism, proliferation of weapons of mass destruction, international crime and infectious disease.¶ The findings are startlingly clear. Only a handful of the world's failed states pose security concerns to the United States. Far greater dangers emerge from stronger developing countries that may suffer from corruption and lack of government accountability but come nowhere near qualifying as failed states.¶ The link between failed states and transnational terrorism, for instance, is tenuous. Al-Qaeda franchises are concentrated in South Asia, North Africa, the Middle East and Southeast Asia but are markedly absent in most failed states, including in sub-Saharan Africa. Why? From a terrorist's perspective, the notion of finding haven in a failed state is an oxymoron. Al-Qaeda discovered this in the 1990s when seeking a foothold in anarchic Somalia. In intercepted cables, operatives bemoaned the insuperable difficulties of working under chaos, given their need for security and for access to the global financial and communications infrastructure. Al-Qaeda has generally found it easier to maneuver in corrupt but functional states, such as Kenya, where sovereignty provides some protection from outside interdiction.¶ Pakistan and Yemen became sanctuaries for terrorism not only because they are weak but because their governments lack the will to launch sustained counterterrorism operations against militants whom they value for other purposes. Terrorists also need support from local power brokers and populations. Along the Afghanistan-Pakistan border, al-Qaeda finds succor in the Pashtun code of pashtunwali, which requires hospitality to strangers, and in the severe brand of Sunni Islam practiced locally. Likewise in Yemen, al-Qaeda in the Arabian Peninsula has found sympathetic tribal hosts who have long welcomed mujaheddin back from jihadist struggles.¶ Al-Qaeda has met less success in northern Africa's Sahel region, where a moderate, Sufi version of Islam dominates. But as the organization evolves from a centrally directed network to a diffuse movement with autonomous cells in dozens of countries, it is as likely to find haven in the banlieues of Paris or high-rises of Minneapolis as in remote Pakistani valleys.¶ What about failed states and weapons of mass destruction? Many U.S. analysts worry that poorly governed countries will pursue nuclear, biological, chemical or radiological weapons; be unable to control existing weapons; or decide to share WMD materials.¶ These fears are misplaced. With two notable exceptions — North Korea and Pakistan — the world's weakest states pose minimal proliferation risks, since they have limited stocks of fissile or other WMD material and are unlikely to pursue them. Far more threatening are capable countries (say, Iran and Syria) intent on pursuing WMD, corrupt nations (such as Russia) that possess loosely secured nuclear arsenals and poorly policed nations (try Georgia) through which proliferators can smuggle illicit materials or weapons.¶ When it comes to crime, the story is more complex. Failed states do dominate production of some narcotics: Afghanistan cultivates the lion's share of global opium, and war-torn Colombia rules coca production. The tiny African failed state of Guinea-Bissau has become a transshipment point for cocaine bound for Europe. (At one point, the contraband transiting through the country each month was equal to the nation's gross domestic product.) And Somalia, of course, has seen an explosion of maritime piracy. Yet failed states have little or no connection with other categories of transnational crime, from human trafficking to money laundering, intellectual property theft, cyber-crime or counterfeiting of manufactured goods.¶ Criminal networks typically prefer operating in functional countries that provide baseline political order as well as opportunities to corrupt authorities. They also accept higher risks to work in nations straddling major commercial routes. Thus narco-trafficking has exploded in Mexico, which has far stronger institutions than many developing nations but borders the United States. South Africa presents its own advantages. It is a country where “the first and the developing worlds exist side by side,” author Misha Glenny writes. “The first world provides good roads, 728 airports . . . the largest cargo port in Africa, and an efficient banking system. . . . The developing world accounts for the low tax revenue, overstretched social services, high levels of corruption throughout the administration, and 7,600 kilometers of land and sea borders that have more holes than a second-hand dartboard.” Weak and failing African states, such as Niger, simply cannot compete.

# 2NC

## Courts CP

### 2NC --- O/V

### 2NC --- S: Authority

#### Courts have broad authority

Popofsky 14 (Mark S. Popofsky – law lecturer at Harvard and prof @ Georgetown teaching classes on anti-trust law – works in private practice for antitrust law and Douglas Hallward-Driemeir – works with him in private practice – argued in front of the supreme court 17 times, specializes in antitrust law summer 2014 “Antitrust and the Roberts Court” Antitrust, Vol. 28, No. 3, Summer 2014. American Bar Association https://www.ropesgray.com/-/media/Files/articles/2014/July/Summer14-PopofskyC.pdf?la=en&hash=3B6CDB12F8F459A9EFCEEB08BC76A4E4C79E5008 accessed: 8-12-21)//bp

ALTHOUGH THE SUPREME COURT’S overall caseload has shrunk under Chief Justice Roberts, 1 the Court’s antitrust docket strikingly has tripled. Since 2005, when Chief Justice Roberts succeeded William Rehnquist, the Court has taken 14 antitrust cases, compared to just five decided by the Rehnquist Court between 1993 and 2003. 2 The Supreme Court’s renewed interest in antitrust law is welcome. Numerous important issues in the antitrust field remain unsettled. The common-law nature of American antitrust law, moreover, benefits from greater Supreme Court guidance. Some view competition law in general, and antitrust law in particular, as chiefly a form of administrative regulation— a field governed by rules and decisions formulated by the antitrust enforcement agencies. 3 Competition law, it is sometimes decried, merely involves predicting the positions regulators will take. The structure of competition law enforcement overseas—typically an agency model with limited judicial review—and the prominence of agency-driven merger enforcement domestically reinforce this perception. But the depiction of U.S. antitrust law as primarily a matter of administrative regulation is fundamentally wrong. The structure of American antitrust enforcement is at its essence a judicial enforcement (or “law enforcement”) model. Private attorneys general bring the vast majority of antitrust cases. 4 Likewise, the Department of Justice must bring suit in federal court in order to vindicate its views of antitrust law. Even the Federal Trade Commission, which can proceed administratively, ultimately is subject to judicial review. Just as in other areas of the law, the federal courts have the last word on the meaning of our antitrust laws. 5 The Court has interpreted the Sherman and Clayton Acts as creating a species of common law, the meaning of which can evolve with changing conditions, which gives the federal courts a critical role in fashioning our competition laws. As Professor Areeda put it, Congress “invest[ed] the federal courts with a jurisdiction to create and develop an ‘antitrust law’ in the manner of the common law courts.”6Tellingly, even in merger control, where the view of antitrust as administrative regulation has the most purchase, federal courts can and do render important decisions that shape the field and determine outcomes. Viewed from this perspective, the Supreme Court’s recent rediscovery of antitrust reaffirms the vital importance of the federal courts in the dynamic process of common-law development that characterizes our antitrust laws. 7 In this piece, we explore three themes emerging from this reengagement: the Roberts Court’s (1) raising the bar to class actions, a development that transcends antitrust; (2) resistance to specialized rules in favor of broad standards, a development that reinforces the importance of evolution of antitrust law in the lower courts; and (3) protection of price competition, which marks the continuation of a longstanding theme.

### 2NC --- AT: PDB

### 2NC --- AT: PDCP

#### The perm is severance –

#### Resolved means legislative

Lousiana House of Representatives 5 (<http://house.louisiana.gov/house-glossary.htm>)

Resolution A legislative instrument that generally is used for making declarations, stating policies, and making decisions where some other form is not required. A bill includes the constitutionally required enacting clause; a resolution uses the term "resolved". Not subject to a time limit for introduction nor to governor's veto. ( Const. Art. III, §17(B) and House  Rules 8.11 , 13.1 , 6.8 , and 7.4)

#### 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.

#### It’s a PIC out of the House.

Miller ‘86 [Arthur, Distinguished Visiting Professor of Law – Emory University. Summer 1986. “Congress, the Constitution, and First Use of Nuclear Weapons.” Review of Politics. Vol. 48, No. 3. ]

Three other points merit mention in this discussion of collective decision-making. First, both the formal and the secret constitutions allocate power over foreign relations and defense to the central government, to, that is, the United States of America visualized as a single entity. What, however, is "the" United States? The question has never been definitively answered; and indeed has seldom been asked in judicial opinion or scholarly discourse.42 Asked another way, the question is this: Where does sovereignty lie in the American polity? The formal constitution is supposedly based on popular sovereignty, with ultimate power resting in the people. That, however, is far from accurate. Proof positive that sovereignty lies in the "state" came when General Robert E. Lee surrendered at Appomattox: "the people" of the South were not to be permitted to exercise their "sovereignty." The powers of the national government are supposedly only those delegated to it, either expressly or impliedly. But that is scarcely accurate, as 200 years of constitutional development attest. The Framers of the formal constitution established a governmental system that, as Justice Robert Jackson commented, would ensure that the dispersed powers of the federal government would be integrated into a workable government. "Separateness but interdependence, autonomy but reciprocity" was the constitutional command.43 The meaning is unmistakable: "the" United States is a single metaphysical entity, encompassing state, society, and government in one artificial being. These terms are not synonymous. The state is the fundamental entity; government its apparatus; and society is composed of the individuals and groups governed. Much like the business corporation, the state-"the" United States-is an artificial construct, more a method than a thing. It exists in constitutional theory-in, for example, the state secrets privilege in litigation-even though judges and commentators alike often confuse the term with government and with society. A legal fiction that by itself can do no act, speak no work, and think no thought, the state (like the corporation) has "no anatomical parts to be kicked or consigned to the calaboose; no soul for whose salvation the parson may struggle; no body to be roasted in hell or purged for celestial enjoyment." 44 Despite loose language to the contrary from executive branch lawyers and even the Supreme Court, "the" state or "the" government-or "the" United States-is not to be equated with the executive branch. Nor with any one branch, for that matter; each branch is part of an indivisible whole.

#### And less than “the,” which denotes a holistic function.

Webster’s ND [Merriam Webster’s Online Dictionary, https://www.merriam-webster.com/dictionary/the]

4 -- used as a function word before a noun or a substantivized adjective to indicate reference to a group as a whole

## BizCon DA

### 2NC --- O/V

### 2NC --- UQ

#### the US is on pace for continued growth despite risks on the horizon

Pickert 21 (Reade Pickert – Bloomberg business economy journalist, July 28, 2021, “Peak Doesn’t Mean Weak as U.S. Economic Growth Set to Cool”, <https://www.bloomberg.com/news/articles/2021-07-28/u-s-hurtles-past-peak-growth-and-there-s-no-need-to-panic>, accessed 8/18/21, DL)

Gross domestic product likely revved up in the second quarter, fueled by the delivery of vaccinations, the unleashing of pent-up demand for services and a mixture of government and Federal Reserve stimulus. The median estimate of economists surveyed by Bloomberg calls for an annualized 8.5% increase in the April-June period when government data are released Thursday. That would be the fastest rate in decades, save for the 33.4% surge during last year’s third quarter after swathes of lockdowns ended. But the second quarter is also set to mark “peak growth,” with an economic backdrop that includes risks from new Covid-19 variants, which have rattled sky-high markets in recent weeks. “It means that the economy will be seeing a moderation in growth from the extraordinary pace that we had seen back in the spring,” said Michelle Meyer, head of U.S. economics at Bank of America Corp. Even so, the growth trajectory will be more than double the pre-pandemic rate, Meyer said. The second-quarter report will likely show a record value of inflation-adjusted GDP. By year’s end, the level will likely eclipse the presumed value of output had the health crisis never happened and the economy instead grown at trend.

### 2NC --- AT: covid

#### US economy is fine—delta variant is outweighed by a full recovery.

Bartash 8/27—(economics reporter, BA in English from UMass Amherst). Jeffry Bartash. August 27, 2021. “Consumer spending slows in July, but U.S. economy still has plenty of juice”. MarketWatch. <https://www.marketwatch.com/story/consumer-spending-slows-in-july-but-u-s-economy-still-has-plenty-of-juice-11630068623>. Accessed 9/9/21.

The numbers: Americans spent money at a slower pace in July as delta nipped at the economy, but households are flush with savings and consumer still show a strong appetite for a wide variety of goods and services.

Consumer spending rose by a modest 0.3% last month, the government said Friday. That matched the estimate of economists polled by The Wall Street Journal.

Spending has slowed since early spring, when Washington delivered more stimulus money for households. Yet it’s still rising fast enough to sustain a rapid economic recovery.

Incomes surged 1.1% last month, boosted by new child-care tax credit approved as part of the last federal stimulus in March. The credit will provide about $170 billion in annual subsidies for young families.

The tax credit more than offset a big decline in the amount of money government spent on on unemployment benefits last month.

Fewer people are drawing benefits either because they found jobs or were cut off. About half the states ended a temporary federal benefits program before the scheduled Sept. 6 expiration.

Big picture: The U.S. economy is still going strong even though government stimulus has faded and coronavirus cases are rising again.

Consumers feel more secure in their jobs and they have plenty of cash to spend. Companies are trying to hire to fill a record number of job openings and ramp up production. And governments are refraining from tough business restrictions they used earlier in the pandemic.

The U.S. economy is forecast to grow at a 7% annual pace in the current third quarter, following a 6.6% increase in the spring.

#### Vaccinations solve delta variant fears.

Rosengren 21—(president of the Federal Reserve Bank of Boston, interviewed by Nick Timiraous). 2021. “Transcript: Fed's Rosengren Sees Strong Growth Ahead for U.S. Economy; Boston Fed president says central bank could be in a position to end asset purchases by the middle of 2022”. Wall Street Journal. Accessed 9/9/21 via Factiva.

Eric Rosengren, president of the Federal Reserve Bank of Boston, said his outlook for the U.S. economy has improved this year despite the recent Covid-19 outbreaks associated with the Delta variant, and he expects strong hiring to allow the central bank to soon begin reversing the extremely accommodative monetary policy adopted at the height of the coronavirus pandemic.

The Fed could be in a position to start reducing its $120 billion in monthly asset purchases this fall and, if strong economic growth continues, the Fed might be able to end those purchases toward the middle of 2022, Mr. Rosengren said in an interview on Thursday, August 12.

Here is a partial transcript of the interview, lightly edited for clarity and length.

NICK TIMIRAOS, The Wall Street Journal: Can you walk me through how your outlook for the economy and for policy changed since March of this year?

ERIC ROSENGREN, Boston Fed: So it's changed in a couple of ways. One, we've obviously had higher inflation outcomes than we anticipated, and I believe that the substantial further progress on inflation has already been achieved. It hasn't changed my longer-run outlook for inflation very much though, so my forecast for inflation next year, using the [personal-consumption expenditures price index] inflation would be around 2.1%, so slightly above our target.

In terms of labor markets, it's certainly been good news that the labor market report was so strong. The unemployment rate dropped by a half a percentage point, seeing 943,000 new jobs, and two consecutive months of 900,000 plus. I am expecting that the second half of the year will continue to be strong as we have inventories rebuilt. And that's going to mean that the labor markets are going to continue to tighten.

I would say the forecast still has a downside risk. We're certainly seeing the Delta variant is creating a problem in parts of the country that have low vaccination rates, and the Lambda variant from South America and additional variants could pose additional downside risk.

But the fact that in many parts of the country vaccination rates are relatively high, and that the hospitalization rate for vaccinated people is quite low, gives me some confidence that even though some regions of the country may be impacted, particularly for things like restaurants and travel as people avoid areas that have bad infection rates and low vaccination rates, I do think overall, the story is still about the economy picking up about as we've expected from March with maybe a little bit better on the employment, a little bit higher on inflation than I might have anticipated in March.

### 2NC --- Link

#### predictability in antitrust enforcement is key – the aff flips the script devastating long term growth

Okuliar 20 (Alexander Okuliar – U.S. Department of Justice Antitrust Division Deputy Assistant Attorney General and Global Antitrust Law Practice Group Co-chair, December 8, 2020, “Promoting Predictability and Transparency in Antitrust Enforcement and Standards Essential Patents”, <https://www.justice.gov/opa/speech/file/1344721/download>, accessed 8/18/21, DL)

I. The Importance of Predictability and Transparency to Antitrust Enforcement Good afternoon. It’s a pleasure to join you today, thank you for the invitation. I’d like to begin with some prepared remarks addressing the importance of predictability and transparency to antitrust enforcement, particularly as it relates to standards-essential patents, give an overview of the Division’s recent activity in this space, and then turn to some questions. Antitrust law can be a very powerful tool to promote economic dynamism and innovation. It establishes important rules regarding how firms may operate in marketplaces across the economy. Firms, in turn, rely on these rules when making all sorts of strategic decisions, from day-to-day concerns to overall operating plans, from pricing or discounting strategies to long-term growth strategies. For any economy to realize meaningful long-term growth, firms (and consumers) must have confidence in the underlying legal rules governing their existence and behavior. Starting and growing a company is often expensive and risky. Maintaining a business is also costly, and firms are constantly assessing their ongoing viability and potential for growth. Confidence in the basic legal system is, of course, critical. Confidence in specialized regulatory regimes is likewise important. Firms are more likely to engage in costly R&D, and in the kind of expensive, time-consuming experimentation that innovation tends to require, when they are confident they will be rewarded for these investments—that, for example, antitrust laws will not change in the interim between investment and return in a way that deprives the firm from being able to recoup and benefit from its investments. This innovation and dynamic competition are critical to our modern economy. So the more that we, as enforcers, can do to ensure the basic competition law rules of the road are clear and predictable, the more we can help to preserve competition and to spur economic growth. Not only do firms benefit from this, but so, too, do consumers. They are the beneficiaries of the increased R&D and innovation that can thrive in a reliable regulatory and enforcement regime. Moreover, clear and foreseeable enforcement empowers consumers, who can then more readily understand when unlawful conduct may be occurring, and be better-positioned to identify violations and to protect themselves and others. Predictability and transparency in antitrust enforcement are important across markets and industries, but are often particularly important at the intersection of antitrust and intellectual property. Both competition and IP laws seek to foster long-term innovation and dynamic competition—which, again, depend on firms continuing to engage in risky and costly efforts today in the hopes of achieving rewards tomorrow. This is true for owners of various IP rights, including standards-essential patent holders. As competition law regimes have proliferated across the globe, it has become ever more important for antitrust enforcers to be clear regarding applicable rules and standards. As one of the oldest competition law regimes in the world, we at the Antitrust Division realize we have an important duty to provide an example of a transparent and predictable competition law system to which others may turn as a model. We use many tools to help raise awareness and build a better public understanding of our competition laws and policies. Of course, we primarily build transparency and predictability through the discrete law enforcement actions we bring. We supplement these actions with a host of efforts including: (1) guidelines and policy statements, like our Horizontal and Vertical Merger Guidelines and our Joint Policy Statement on Remedies for Standards-Essential Patents Subject to Voluntary F/RAND Commitments; (2) business review letters, which provide insights to the requesting parties and to the public regarding factors the Division considers when analyzing certain conduct; (3) amicus briefs and statements of interest in courts, where we can assist generalist judges in analyzing important and developing competition law issues; and (4) speeches—like this one—which provide an opportunity for Division leadership to discuss with the public key issues and developments.

### 2NC --- AT: Article 5

#### 3. Courts will rule in favor of CWS – Khan will have deference removed

McGinnis 8/26—(George C. Dix Professor in Constitutional Law at Northwestern University). John O. McGinnis. August 26, 2021. “Abandoning the Consumer Welfare Standard”. Law & Liberty. <https://lawliberty.org/abandoning-the-consumer-welfare-standard/>. Accessed 9/8/21.

The Biden Administration wants to transform antitrust law. In doing so, it would dispense with a four-decade-old consensus that the welfare of consumers should be the object of competition policy. This principle would be replaced with a mixture of untested economic ideas combined with a view that antitrust law should somehow advance democracy. If the latter standard seems unclear, its very lack of clarity may be an implicit goal. One of the achievements of the consumer welfare standard is to provide a relatively objective methodology that constrains judges and prosecutors in wielding the awesome power of government against the liberty of private entrepreneurs. Not only will this vision harm economic efficiency, it will also make it easier for government officials to reward friendly companies and punish those who do not do the administration’s bidding even on matters unrelated to competition.

Fortunately, the administration faces substantial obstacles in transforming antitrust law. The consumer welfare standard is now entrenched in judicial decisions. Both Democratic and Republican justices have been applying it for years, even if they occasionally debate the nuances of its application. The administration thus has put its faith in using the regulatory levers of power to change the law, but here too it is likely to meet judicial resistance. Moreover, anything it does by regulation can and will likely be undone by the next Republican administration. Should Biden succeed, competition law would become yet another part of government-by-whiplash and in an area central to our prosperity.

It is true that there are difficult and novel issues in applying antitrust law to some new information technologies, like Google and Facebook, even under a consumer welfare standard. For instance, these tech firms may provide great free services, but they also have a stranglehold over consumer data. But the Biden administration’s blunderbuss approach to antitrust law is not limited to tech, but represents a potentially new mechanism of government control over the commanding heights of the economy.

The Executive Order

President Biden’s “Executive Order on Promoting Competition in the American Economy” shows how his administration wants to change antitrust law. One should not be misled by the frequent reference to “promoting competition” in the order. First, there are other values touted in the order that are in tension with promoting competition. Second, competition is a slippery term. Economists understand it as a process that leads to efficient outcomes and equilibriums. Biden’s order frequently seems to equate competition with low prices and reflects a view that the more companies are in a market, the more “competitive” it is. Third, the order reflects an ideology holding that the market itself tends toward inefficiency and needs to be corrected by government. But all too frequently, it is government regulations that harm competition by helping incumbents.

The order at times is clear that it wants protection for some favored groups from competition. It states, for instance, that “consolidation in the agricultural industry is making it too hard for small family farms to survive.” The reason that small family farms often have trouble competing is that the bigger ones are overall more efficient. There is little danger of monopoly in farms. There remain scores of enterprises in harvesting and otherwise producing food. The economy should welcome efficient consolidation. The concern expressed in the order reflects a previously rejected view offered by the Supreme Court a hundred years ago that antitrust policy should prevent “the driving out of business of the small dealers and worthy men . . . who might be unable to readjust themselves to their altered surrounding.” Biden here not only fails to promote competition. He expressly restrains it.

At another point, the order calls on antitrust to “provide an environment conducive to the preservation of our democratic and political institutions”—another view once popular but correctly rejected for decades. It is not plausible for regulators to determine the legal rules by which companies will advance democracy. This kind of open-ended and nebulous standard invites discretionary actions by the government. Businesses cannot plan unless the law on competition possesses at least a modicum of clarity. And with less ability to plan, there will be less efficiency.

When it comes to items such as pharmaceuticals, Biden is all in favor of low prices. But low prices are not the same as the efficient equilibrium which sound competition sustains. In pharmaceuticals, even more than with other products, the market also delivers innovation from which society greatly benefits. Artificially depressing the prices for drugs may result in less innovation. Indeed, it may result in more suffering and death. To be sure, figuring out the right policies for efficient innovation in pharmaceuticals is not easy, requiring the careful calibration of patent policy. But it is revealing that, as he does elsewhere in the order, Biden focuses simply on getting prices lower rather than taking a long-term social welfare approach. Like the celebration of the family farm, this is a recipe for populism, not an increase in our welfare.

The order simply states that consolidation in industries has led to high prices. But consolidation can lead to efficiencies as well, and it can bring not only lower prices but higher quality. Currently, antitrust law has various careful screens that measure market power and assess business practices to determine whether these practices are more likely to lead to better outcomes for consumers in terms of both prices and quality. These have been reflected in the guidelines regulating mergers—guidelines renewed by both Republican and Democratic administrations—that have become crucial to predictable decision-making by prosecutors and courts.

One sensible idea in the order encourages agencies to consider the effect of cartels and consolidation on the ability of workers to compete. It is true that some sectors of industry have on occasion conspired to hold down wages. While such practices are illegal under the traditional principles of antitrust, it is perfectly reasonable to put agencies on notice that they should be on the lookout for this disturbance of market equilibrium. In the long run, the economy and consumers benefit greatly from an unconstrained market in human capital.

But what the order does not require is as striking as to what it does. One of the greatest threats to competition is regulation by government. Unnecessary regulation of products harms competition because big companies can diffuse the costs of regulation over many more units than can small companies. Regulation of capital markets makes it harder for startups to enter and displace incumbents. Tariffs impede foreign competition. When the whole world is the effective market, companies in any particular nation necessarily have a smaller share.

Yet the Biden Executive order does not call for any general reconsideration of government policy in any of these areas other than one sentence suggesting that OMB should consider the effect of regulations on entry barriers, (something it should already do in its traditional cost-benefit analysis). The order is generally premised on the false belief that the main barriers to competition are those created by the market, not by government.

To be sure, there is a welcome call for dismantling unnecessary occupational licensing, permitting hearing aids to be sold without a prescription, and preventing the (mostly) state regulations that put up the price of alcohol. But these provisions only show that the President is likely to stumble on correct economic policies when they are immediately popular. A regulatory regime restricted to addressing externalities, opening capital markets, and promoting free trade would be best for competition and prosperity in the long run, but these will not be central elements of Biden’s policy.

The Prospects

The Executive Order, however ill-conceived the specifics are, will do the most damage if it changes antitrust law fundamentally. And here the Biden administration happily faces problems. We have had forty years of bipartisan competition policy focused generally on consumer welfare. The President does not have a political eraser to wipe that away.

One possibility is for the Biden administration to persuade Congress to enact major changes in antitrust law. The House Judiciary Committee has passed a few bills that would make is harder for tech companies to merge with other companies. But these measures are not yet going anywhere on the House floor, and it will be difficult, if not impossible, to get any substantial changes in antitrust law through the evenly divided Senate.

Thus, the administration has pinned its strategy on transformation through administrative fiat. To that end, it appointed Lina Khan, a 32-year-old associate law professor to become Chairman of the FTC. Khan may be the single most radical appointment in the Biden administration. She opposed Amazon’s acquisition of Whole Foods, although Amazon and Whole Foods together constitute a very small part of the grocery market, and no other company in the history of the United States has been more innovative than Amazon.

Khan has begun by voting along with her Democratic colleagues on the commission to revoke a policy of the FTC supported by both Democratic and Republican administrations that essentially defined “unfair method of competition” by reference to methods that undermined consumer welfare. The idea no doubt is to write a regulation that would provide a more open-ended approach, perhaps taking into account other values like democracy and decentralization, even if these are at the expense of consumer welfare.

But it is not at all clear Khan can succeed. On such a central question as the definition of competition, courts may not give her agency much deference now that the Roberts Court appears to have stopped applying Chevron—the quintessential modern case for agency deference—to major questions raised by a statute. The meaning of competition is obviously the major question for competition law, and courts are likely to determine that for themselves, influenced by decades of their own consumer welfare jurisprudence.

### 2NC --- ! DD Recession

**Failure to recover creates a nightmare scenario – conflict, climate change acceleration and nationalist takeovers**

**Diggle, 20** (Paul – senior economic for the Aberdeen Standard economic center. “How is this recession different?” 18th May, 2020. <https://www.aberdeenstandard.com/en/insights-thinking-aloud/article-page/how-is-this-recession-different>.) NR

We are in the midst of an unprecedented global recession triggered by the Covid-19 virus. The speed, scale, and breadth of the contraction in economic activity are unlike anything we have seen in the post-war era. However, we can still look to history to provide some guidance on how this recession may propagate through the economy, how policy can and should respond, and what the long term implications of the shock may be. In recently published research exploring whether economies experience “stall speed” and “escape velocity”, we built and analysed a dataset covering developed market recessions in the post-war period. We use these data in this note to say something about what a “typical” recession is like in terms of magnitude, duration, cause and consequence, and compare to the current contraction. The vast majority of recessions haven been caused by one of three main types of shock. Supply-driven oil price shocks triggered by production cuts; monetary policy tightening in response to inflation; and financial shocks characterised by the unwinding of large-scale imbalances. Inventory swings have played a role in exaggerating downturns as well, especially before modern supply chain management techniques. Most recessions are of short duration and shallow depth, but there is a long tail of more severe downturns, especially when they involve the unwinding of financial imbalances. Pandemics are implicated in some global downturns, and typically involve a steep drop in the level of economic activity, but strong rebounds subsequently. The current crisis is a deliberate policy-induced cessation of economic activity to suppress the spread of the Covid-19 virus. The resulting recession is characterised by a demand, supply, and financial market shock occurring concurrently, interacting with and magnifying each other. Social distancing measures mean vast swathes of economic activity simply cannot occur. But at the same time economic activity is stopped, debts still need serviced. This mismatch in income and liability servicing presents a liquidity problem that can easily become a solvency problem. This in turn forces up risk premia and causes a sudden fall in asset values, tightening financial conditions and pushing down on demand still further. For all that this shock is uniquely severe, it is possible to see light at the end of the tunnel and have some confidence in a robust rebound in activity levels. The example of some East Asian economies, where the virus is (seemingly!) under control shows how suppression can work and eventually, albeit partially at first, be lifted. And the size of offsetting monetary and fiscal policy responses almost everywhere should help to cushion (but not offset entirely) the extent of permanent supply destruction during the current recession and eventually stimulate a recovery in demand. However, it is not difficult to foresee a more adverse scenario with a deeper recession and a more limited recovery. Western economies may not be able to follow the same exit path as Asian economies where suppression measures began earlier in the outbreak and adherence has been higher; while the latter may yet experience a second wave of infections. And for all their speed and size, monetary and fiscal policy responses may just be insufficient to protect the economy from long-term scarring. Meanwhile, our work on stall speed shows that self-perpetuating downturns are a feature of economic activity, where weakness begets further economic weakness, perhaps through adverse feedback loops. That same research also found that escape velocity bounces out of recessions are few and far between; instead the legacy of recessions tends to be sustained weakness in economic growth even after recovery has set in. Given that all significant and disruptive recessions have had long-lived consequences, we look to the potential long-run implications of this crisis. More activist fiscal policy, funded in times of crisis by monetary policy; deeper cleavages in the US/China relationship; a bigger, more interventionist state, especially when it comes to personal surveillance; further moves towards deglobalisation; more economic activity taking place online; and a potential shift in the politics around climate mitigation policies, are all explored as potential outcomes. These many changes to the economic and political environment will have important implications for return drivers of financial assets. The equilibrium, or natural rate, of interest is likely to fall even lower, continuing the secular trend characterising the interest rate environment for decades. This means lower returns across asset markets, both risky and risk-free. However, from where we stand right now, the steep correction in equity market prices means that expected returns are actually boosted by attractive valuations. This is especially true if markets tend to overshoot when responding to incoming information in part due to behavioural biases and in part to provide the steep discounts required to incentivise investors to once again hold riskier assets. Meanwhile, while the most likely outcome of the crisis is a sustained period of low inflation, the opposing tail risks of a deflationary trap and of much higher inflation have probably both increased in probability. Given the increased risk of both these scenarios, the inflation risk component of bond prices and asset prices more generally is likely to increase as this reflects the volatility and unpredictability of inflation. Ultimately, though, we don’t expect what is a health and economic crisis to become a financial crisis. For all that we can learn from historical comparisons, there is no doubt that the global economy is currently experiencing a recession which is unprecedented in the post-war era in its scale, speed and breadth. Literally overnight vast swathes of the global economy have been turned off as social distancing measures mean huge areas of economic activity simply cannot operate. Moreover, this a severe financial shock.

## A2

### Impact OV---Secessions---2NC

#### Turns the case---civil wars spillover

Thyne, Poli Sci Professor @ University of Kentucky, 12

(Clayton, Causes of Interstate and Intrastate War, http://www.uky.edu/~clthyn2/salehyan\_thyne.pdf)

In addition to local effects, Collier and his colleagues (2003) provide evidence to suggest that all states are negatively affected by civil violence, which they refer to as the outer “ripple” effects of civil wars. The second ripple includes adjacent states. The most direct problem for adjacent states is the flood of refugees fleeing violence (Siverson and Starr 1991; Gleditsch 2007). At the beginning of 2011, the UN High Commission for Refugees (UNHCR) estimated the total number of refugees to be around 10.4 million. Refugees place a heavy burden on a state’s ability to provide public services. They also advance the spread of infectious diseases, such as HIV and malaria (Montalvo and Reynal-Querol 2002) and raise the risk of civil war contagion (Salehyan and Gleditsch 2006). Additional evidence suggests that, having a neighboring state at war severely disrupts a state’s economy, which is often due to disrupted trade flows and decreases in FDI (Murdoch and Sandler 2002). Ultimately, both the strain on public services and a decline in economic growth work to destabilize neighboring states.

The final set of consequences from civil wars is global. The infectious diseases associated with civil conflicts rarely remain confined to the borders of the state experiencing the civil conflict. For example, Smallman-Raynor and Cliff (1991) trace the global epidemic of HIV to the Ugandan civil war in 1979, where rape and refugee flows allowed the disease to spread throughout the globe. Civil wars are also associated with the global spread of illegal narcotics because they provide territory outside the government s control, which enables the production and distribution of drugs. Around 95 percent of the global produedon of opium, for instance, is in civil war countries (Collier et al. 2003). Notably, Afghanistan produces around 90 percent of the world’s opium. Likewise, the ongoing violence in Colombia has transformed over time to become less about class struggles and more about the production of cocaine (Collier and Hoeffler 2004). Finally, scholars are beginning to explore the links between civil wars and international terrorism. Civil wars promote terrorism by providing a safe haven for people to organize outside the government’s control. Illegal products from the conflicts, such as alluvial diamonds, also provide revenue for terrorist organizations such as A1 Qaeda (Collier et al. 2003). Overall, whether it is a focus on the spread of diseases, drugs, or terrorism, there is a strong reason for all people to better understand how civil wars begin, continue

### Impact OV---R2P---2NC

#### R2P leads to endless wars and failed states---non R2P I-law solves

Murray 13 [Robert W. Murray is an adjunct professor of Political Science at the University of Alberta, a blogger for e-International Relations and a Columnist for Troy Media, “R2P: More Harm Than Good?”, 8-28-2013, https://nationalinterest.org/commentary/r2p-more-harm-good-8970] IanM

What is R2P? Put simply, it is a doctrine calling for **fundamental alterations** to our **concepts** of national **sovereignty** and **security**. Rather than the model of sovereignty that has dominated the international system for centuries, where states are granted legal sovereign status by virtue of being able to exercise power and authority over their people and territory, **R2P** sees sovereignty as conditional upon a state's’ willingness to protect its own people. In cases where a state or **regime fails to live up** to its duty, other states have a responsibility to intervene on behalf of those affected. There have been various iterations of R2P, starting with the original report of the International Commission on Intervention and State Sovereignty in 2001, carrying through the much-eroded version endorsed by the UN General Assembly in 2005, and the numerous interpretations proposed by scholars and advocates since. The doctrine is predicated on [three pillars](http://endgenocide.org/learn/responsibility-to-protect/)—first, the responsibility to prevent human insecurity; second, the responsibility to protect (read here intervention); and third, the responsibility to rebuild (read here regime change).

Throughout the life of R2P, the number of prominent thinkers and decision-makers backing it has grown significantly. R2P is also now a very powerful and effective political lobby group. Various think-tanks, research institutes, offices within national governments, and international organizations have all been formed since 2001 with the express purpose of advocating the growth and adoption of R2P principles. Often, these institutions have recruited well-known proponents of the doctrine and have played prominently in debates surrounding instances of human insecurity and atrocity. The **development** of the **R2P** lobby is surely seen by most as a positive influence in efforts to protect human populations suffering horrendous abuses, yet one cannot help but also ponder that they may also be serving to negatively impact state decision-making in cases of **humanitarian crisis**.

Prior to 2001 and the advent of R2P, humanitarian interventions did occur, and so did missions aimed at halting violence within states or between them. The notion of protecting civilians did not originate with R2P, and arguably, previous forms of intervention, though sporadic, achieved many of the same purposes desired by R2P proponents. What has changed most markedly with R2P is the linkage between sovereignty and legitimacy, and humanitarian intervention. Under the provisions of the doctrine, and according to many of its advocates, it is not enough to end violence. There is typically a desired response that sees full-scale military intervention followed by regime change (hence the reference to a responsibility to rebuild). In some ways, this makes perfect sense, in that it is extremely difficult to end violence or human suffering without putting external forces in place to protect them and overthrow the regime responsible for using the tools of violence in the first place—once a war criminal, always a war criminal.

Yet, since 2001, we have also witnessed a variety of intervention missions, some **R2P**-endorsed, others not, that have demonstrated the enormous risks and costs involved with long-term military deployments and **nation building experiments**. These missions are **vast departures** from traditional military missions, in that the **enemy** is very **difficult to find** and identify, foreign **forces are rarely welcomed** with a red carpet (and if they are, it is a short-lived celebration), and **insurgent forces** are **more familiar with the terrain** and local intricacies than external forces could ever be. Experiences in Afghanistan and Iraq have been effective in scaring states away from wanting to embark on regime change and counterinsurgency missions, and the 2011 mission in Libya is a good example of what happens when interventionism is only taken half way without a long-term commitment.

None of this is to say that the R2P lobby is responsible for the debacles seen in recent military deployments, but rather, it is to say that continually calling for intervention and regime change in the wake of these experiences panics states more than it mobilizes them. **Invoking morality** has **never been a compelling argument** for states to act consistently in the cause of human security, and in a practical sense, the thought of committing to intervention missions with no clear end game other than realizing human security is irrational.

Ultimately, R2P can be seen as a good idea but bad policy. The situation in Syria is worthy of action not because of any false sense of responsibility, but because of international law that existed long before R2P came around. The Chemical Weapons Convention, conventions prohibiting genocide and war crimes, and historical experiences with peacekeeping missions all serve effectively enough as justification for action in Syria. **By** continually **attaching responsibility**, regime change and **long-term action**, states are deterred from making decisions that might set a precedent interpreted as endorsing or enacting R2P in national foreign and defense policy.

If we truly want to **end the violence** in Syria, the best thing the **R2P lobby** can do is remain quiet and let states make their decisions using long-standing traditions, conventions and law—not political advocacy.

### IHL Bad---2NC

#### IHRL is a net negative because it leads to noncompliance which undermines all international law necessary to solve their impacts.

Ingrid Wuerth 17, Helen Strong Curry Professor of International Law at Vanderbilt Law School, 4-10-2017, "Does International Law Have a “Broken Windows” Problem?," Lawfare, https://www.lawfareblog.com/does-international-law-have-broken-windows-problem

The broader, unacknowledged problem, however, is the potential effect of the expansion on international law as a whole, as I discuss in detail here. Today, international law includes a broad range of human rights norms which are routinely violated, from the U.N. reporting requirements to gross violations of human dignity. Wide-spread violations of some legal norms may, in turn, make it harder to enforce others. As a (very) imperfect analogy, consider the “broken windows” theory of crime prevention: widespread violations of human rights law may be a symbol of unaccountability, a signal that no one cares about violations of international law and that no one is in charge. Accountability is a fundamental concern of public international law because the system lacks a centralized enforcement mechanism. Whatever the merits of the “broken windows” argument in the context of domestic law enforcement, behavior which signals a lack of accountability may be especially damaging to international law writ large. Theoretical literature on compliance with international law suggests that non-compliance in some areas makes other norms of international law harder to enforce. Work on rational choice posits, for example, that states comply with international law in part to protect their reputations. If states as a whole tend to expect non-compliance from each other, the costs of entering into treaties or developing norms of customary international law become higher for all states. A baseline reputation of non-compliance among states generally harms interstate cooperation because it means that states will have to do more in a treaty agreement to generate trustworthy commitments (such as monitoring non-compliance), and because it makes some agreements not worth the time or effort. To be sure, these effects depend upon states having reputations for compliance which are not entirely issue-specific or compartmentalized, a plausible assumption for reasons explained here (pages 103-06). Other theories of compliance with international law, including constructivism and organizational sociology, also suggest that widespread non-compliance with human rights will make the rest of international law less effective. For example, constructivists Jutta Brunnée and Stephen Toope argue that international legal obligations arise from communities of practice which have shared understandings and which generate norms with specific characteristics of legality. Lack of congruence between a norm and behavior impedes the development of a community of practice. They reason in the context of torture (page 232) that “a widespread failure to uphold the law as formally enunciated leads to a sense of hypocrisy which undermines fidelity to law.” Research from domestic law and social psychology, including the work of Tom Tyler, suggests that widespread lack of faith

in government and its ability to solve problems undermines peoples’ sense of their own obligation to follow the law.

# 1NR

## 1NR --- Infra

### 1NR --- O/V

#### outweighs nuke war

McDonald, 19 writer and geography PhD student at University of Oxford studying the intersection of grassroots movements and energy transition. (Samuel Miller, 1-4-2019, “Deathly Salvation”, *The Trouble*, https://www.the-trouble.com/content/2019/1/4/deathly-salvation)

A devastating fact of climate collapse is that there may be a silver lining to the mushroom cloud. First, it should be noted that a nuclear exchange does not inevitably result in apocalyptic loss of life. Nuclear winter—the idea that firestorms would make the earth uninhabitable—is based on shaky science. There’s no reliable model that can determine how many megatons would decimate agriculture or make humans extinct. Nations have already detonated 2,476 nuclear devices. An exchange that shuts down the global economy but stops short of human extinction may be the only blade realistically likely to cut the carbon knot we’re trapped within. It would decimate existing infrastructures, providing an opportunity to build new energy infrastructure and intervene in the current investments and subsidies keeping fossil fuels alive. In the near term, emissions would almost certainly rise as militaries are some of the world’s largest emitters. Given what we know of human history, though, conflict may be the only way to build the mass social cohesion necessary for undertaking the kind of huge, collective action needed for global sequestration and energy transition. Like the 20th century’s world wars, a nuclear exchange could serve as an economic leveler. It could provide justification for nationalizing energy industries with the interest of shuttering fossil fuel plants and transitioning to renewables and, uh, nuclear energy. It could shock us into reimagining a less ~~suicidal~~ civilization, one that dethrones the death-cult zealots who are currently in power. And it may toss particulates into the atmosphere sufficient to block out some of the solar heat helping to drive global warming. Or it may have the opposite effects. Who knows? What we do know is that humans can survive and recover from war, probably even a nuclear one. Humans cannot recover from runaway climate change. Nuclear war is not an inevitable extinction event; six degrees of warming is.

#### Turns every impact.

Torres, 16 (Phil Torres; author, Affiliate Scholar @ Institute for Ethics and Emerging Technologies, founder of the X-Risks Institute, published articles for Bulletin of the Atomic Scientists, Salon, Journal of Future Studies, and the Journal of Evolution and Technology; 7-22-2016, "Op-ed: Climate Change Is the Most Urgent Existential Risk," FLI - Future of Life Institute, http://futureoflife.org/2016/07/22/climate-change-is-the-most-urgent-existential-risk/, accessed 8-9-2016)

For example, according to the Intergovernmental Panel on Climate Change, the effects of climate change will be “severe,” “pervasive,” and “irreversible.” Or, as [a 2016 study](http://www.climate.unibe.ch/~stocker/papers/clark16natcc.pdf) published in Nature and authored by over twenty scientists puts it, the consequences of climate change “will extend longer than the entire history of human civilization thus far.” Furthermore, [a recent article](http://advances.sciencemag.org/content/1/5/e1400253.full?con=&dom=pscau&src=syndication) in Science Advances confirms that humanity has already escorted the biosphere into the sixth mass extinction event in life’s 3.8 billion year history on Earth. Yet [another study](http://www.nature.com/nature/journal/v486/n7401/full/nature11018.html) suggests that we could be approaching a sudden, irreversible, catastrophic collapse of the global ecosystem. If this were to occur, it could result in “widespread social unrest, economic instability and loss of human life.” Given the potential for environmental degradation to elevate the likelihood of nuclear wars, nuclear terrorism, engineered pandemics, a superintelligence takeover, and perhaps even an [impact winter](https://en.wikipedia.org/wiki/Impact_winter), it ought to take precedence over all other risk concerns — at least in the near-term. Let’s make sure we get our priorities straight.

#### Warming collapses democracy

Linker, 19 (Damon Linker is a senior correspondent at TheWeek.com. He is also a former contributing editor at The New Republic and the author of The Theocons and The Religious Test, “Will climate change destroy democracy?”, The Week, May 7, 2019, https://theweek.com/articles/839648/climate-change-destroy-democracy)//babcii

Like nearly everyone who hears such conclusions, from do-nothing skeptics on the denialist right to sky-is-falling alarmists on the environmental left, I lack the knowledge or expertise required to assess their accuracy. But let’s assume that the UN study is trustworthy and its quasi-apocalyptic predictions are sound. For the sake of argument, let’s go further and assume that all the recent major reports warning of existential environmental threats due to climate change are accurate: Major world cities inhabited by hundreds of millions of people will soon be under water. Storms will dramatically increase in severity. So will droughts, floods, and famines, spreading suffering across the globe and provoking refugee flows on a scale never seen or contemplated in human history. What kind of politics are we likely to see in such a world? It’s hard to know for sure, but it’s unlikely to be either liberal or democratic. There’s an oddly apolitical character to most of our talk about environmental threats. Environmental activists, climate scientists, and their journalistic popularizers blast the bad news as [loudly and hyperbolically](https://theweek.com/articles/824408/dangerous-addiction-political-hyperbole) as possible, hoping to wake people up to the multitude of dangers confronting us on every side. Meanwhile, policy intellectuals propose myriad ideas for mitigating this or that part of the problem while largely ignoring the challenge of how to get any one of them, let alone all of them, enacted. Neither camp spends much time reflecting on the capacity of our liberal-democratic political systems to respond effectively to the circumstances that confront and await us. One reason why such reflection has been lacking is that it reveals a reality even bleaker than the one sketched in all those studies of the environmental side of the equation. None of the greatest political philosophers in Western history — from Plato and Aristotle on down through Machiavelli, Hobbes, Locke, Rousseau, and Hume — would be surprised by the lack of resolve on the part of the nations of the world to address global environmental threats. Arguably the problem of politics is getting individuals and groups in a given political community to put aside their own self-interest in favor of the common good. All will benefit in the end, but getting there requires sacrifice. How much sacrifice is just for each? And how can each be persuaded not to free-ride on the sacrifices of others? This was recognized as a problem in the ancient Greek city states, it’s a bigger problem in the much larger and more pluralistic nation states of the modern world, and it's an exponentially greater problem among the “community of nations” in the contemporary world as a whole. It was in part reflection on this problem that inspired Plato to reject democracy as a form of government and instead propose the rule of philosopher-kings — wise leaders who would deliberate and act with the common good in mind at all times. That, for Plato, would be the only way to solve the problem of politics. Whenever environmentally minded activists and pundits express panic and dismay at the inability of the nations of the world to change course to avert disaster, they tacitly acknowledge that Plato had a point: if only they — the environmentally responsible who place the good of the planet above other, narrower considerations — were given overriding political power, the world, and human civilization, might have a chance. That's one way in which the wisdom of liberal-democratic government is being called into question today. As climate change and the collapse of biodiversity accelerates, leading to human suffering and destabilization, the case for keeping political power in the hands of populations that refused to address the problem when it could have made a difference (and that still succumb to bickering when attempting to fashion a response) is likely to decline, creating a hunger for extra-democratic leadership to address the consequences with wisdom and resolution. But let's consider another, seemingly happier possibility: a near-term future in which the nations of the world somehow come to their collective senses and embrace a combination of radical changes in energy production and consumption, agriculture and food production, and population size and growth. As a result, greenhouse-gas emissions, pollution, and other forms of environmental strain begin to recede, allowing the planet and its human inhabitants to reverse course, recover, and avert the worst doomsday scenarios. That sounds delightful — at least until we realize that these changes could only be achieved by the implementation of significant cuts to economic growth. To slow or halt climate change, we need to get smaller — producing fewer offspring, expending less energy, emitting less pollution, consuming fewer resources. This presents its own significant political problem. From the start, modern politics — from classical liberalism on through to more progressive forms of political action like modern liberalism and socialism — have presumed the presence of economic growth and expanding prosperity over time. The promise of material betterment over the course of individual lives and from one generation to the next fuels individual and collective ambition and hope that, in turn, powers the economy. Optimism, hope for the future, faith in progress over time — they are indispensable to keeping our politics decent and broadly democratic. By contrast, when economic pessimism rises, hope for the future wanes, and faith in progress dies out, politics becomes darker, with anger, blame, and bitterness taking the place of contentment. Add in the possibility of economic contraction being paired with the consequences of unavoidable environmental degradation, including refugee flows testing the openness and generosity of the world’s wealthier nations, and we're left with a perfect storm of variables all pointing in the direction of less liberal and less democratic forms of politics. The Brexit vote, the rise of Donald Trump to the American presidency on an anti-immigration platform, the surge of populist parties across Europe in the wake of a spike in refugees from the Middle East — all of it gives us a taste of the political ugliness that may await us. In a world forced to break its addiction to economic growth and the extravagant hopes wrapped up with it, **democracy itself may soon need to be added to the list of endangered species.**

#### The bill solves leadership

**Bergmann , 21** (Max Bergmann , Max Bergmann is a senior fellow at the Center for American Progress. Carolyn Kenney is a senior policy analyst for National Security and International Policy at the Center., 6-30-2021, accessed on 8-27-2021, Center for American Progress, "Climate Will Test Whether America Is Truly ‘Back’ - Center for American Progress", https://www.americanprogress.org/issues/security/news/2021/06/30/501175/climate-will-test-whether-america-truly-back/)//Babcii

In the end, President Biden’s efforts to restore U.S. leadership on the global stage will ultimately be determined by what actions the United States takes domestically on climate, rather than by what is expressed in an international communique. While U.S. officials are confident they can meet short-term climate targets through executive branch regulation, the world does not trust such an approach after witnessing during the Trump administration how easy it is for these to be undone. Therefore, for America to truly be back globally, it needs to first pass robust climate legislation that commits the United States to taking climate action. The Europeans and the rest of the world are thus paying close attention to the climate provisions in the infrastructure bill. The outcome of this bill and whether it includes the climate provisions—to bolster electric vehicles, modernize the energy grid, and protect and restore nature-based infrastructure—will determine whether America can reclaim the mantle of global leadership. The passage of such a transformative package would suddenly make the United States a leader on climate. It would allow the United States to work with Europe in creating the decarbonized economy of the future. It would also enable the United States to press China for more action, not only diplomatically but also in the arena of global public opinion. For too long the United States has been a climate pariah, allowing China to position itself as a responsible and productive actor when it comes to the issue. Strong U.S. action would suddenly turn the tables and allow the United States to ramp up global pressure on China, which is now the world’s largest emitter, producing more carbon than all developed countries combined. For this to happen, however, the climate provisions President Biden outlined in his initial infrastructure proposal need to make it through the legislative process. Whether they are included in the ultimate infrastructure and budget package that makes it through Congress will be critical not only for saving the planet but for preserving American global leadership.

#### The bill solves internet model competition

Jennifer **Rubin 12/29** Opinion columnist covering politics and policy, foreign and domestic 12/29/20 “Biden sounds like he has made a choice on China” https://www.washingtonpost.com/opinions/2020/12/29/biden-sounds-like-he-has-made-choice-china/

In short, “America First” is precisely the wrong strategy to deploy when facing international challengers. The current administration, as Biden puts it, created an “enormous vacuum” by receding from the world stage and believing that the president could win over adversaries with his peculiar brand of personal diplomacy, which vacillated between fawning and frenetic bombast. Biden offers a clear-eyed view of our big-power adversaries. However, when coupled with rational analysis as to how we maximize our leverage, he might just succeed where the Trump administration failed. Wright made another sage observation: “Biden should use competition with China as a bridge to Senate Republicans.” Since many Republicans claim to be tough on China, he should seek their buy-in and define the contours of what a tough-on-China policy looks like. Biden’s approach, Wright suggested, should include enlisting Republicans to support when it comes to “pending legislation on investments in the semiconductor industry and 5G infrastructure, appointing assistant secretaries for Asia at the State Department and the Pentagon who can easily win bipartisan support, and showing that he is serious about using the Treasury and Commerce Departments to compete with China.” A robust response to China, Biden can explain to Republicans, includes some items already on his domestic agenda items: “targeted infrastructure investments, including clean technology; an industrial policy to compete with China on 5G, quantum computing, and artificial intelligence; a limited and strategic decoupling from China in certain areas; and bolstering the resilience of the U.S. economy to external shocks, which would include making supply chains more secure,” as Wright says. This approach to China may be a point of bipartisan agreement, despite Republicans’ campaign [rhetoric]~~hysteria~~ that Biden is somehow weak on China. If Biden and his team can find domestic investments that serve to improve our international position in relation to China, even right-wing Republicans might be hard-pressed to stiff him. The Biden administration’s first opportunity to sketch out his approach to China will come when his national security nominees appear for their Senate confirmation hearings. They would do well to use that setting to educate the Senate and the country as to their boss’s “reformist” outlook on big-power competition.

#### 7. Any risk of a link turns case --- Backlash means the FTC won’t take up the suit to enforce the aff

Jones and Kovacic, 20 (Alison Jones and William E. Kovacic, King’s College London, London, United Kingdom, George Washington University, Washington DC, USA. United Kingdom Competition and Markets Authority, United Kingdom, 3-20-2020, accessed on 5-16-2021, SAGE Journals, "Antitrust’s Implementation Blind Side: Challenges to Major Expansion of U.S. Competition Policy", https://journals.sagepub.com/doi/full/10.1177/0003603X20912884#\_i12)//Babcii

The second path is to lobby the Congress. The FTC is called an “independent” regulatory agency, but Congress interprets independence in an idiosyncratic way.[126](javascript:popRef('fn126-0003603X20912884')) Legislators believe independence means insulation from the executive branch, not from the legislature. The FTC is dependent on a good relationship with Congress, which controls its budget and can react with hostility, and forcefully, when it disapproves of FTC litigation—particularly where it adversely affects the interests of members’ constituents. Controversial and contested cases may consequently be derailed or muted if political support for them wanes and politicians become more sympathetic to commercial interests. The FTC’s sometimes tempestuous relationship with Congress demonstrates that political coalitions favoring bold enforcement can be volatile, unpredictable, and evanescent.[127](javascript:popRef('fn127-0003603X20912884')) If the FTC does not manage its relationship with Congress carefully, its litigation opponents may mobilize legislative intervention that causes ambitious enforcement measures to the founder.

Imagine, for a moment, that the DOJ and the FTC launch monopolization cases against each of the GAFA giants. Among other grounds, these cases might be premised on the theory that the firms used mergers to accumulate and protect positions of dominance. The GAFA firms have received unfavorable scrutiny from legislators from both political parties over the past few years, but the current wave of political opprobrium is unlikely to discourage the firms from bringing their formidable lobbying resources to bear upon the Congress. It would be hazardous for the enforcement agencies to assume that a sustained, well-financed lobbying campaign will be ineffective. At a minimum, the agencies would need to consider how many battles they can fight at one time, and how to foster a countervailing coalition of business interests to oppose the defendants.

#### 8. Independently Wasted political capital causes extinction --- laws won’t be followed and triggers war.

Sensiba, 20 (MA in Emergency Management and Homeland Security at American Military University (Jennifer - long time efficient vehicle enthusiast and writer, “Don’t Encourage Biden To Waste Political Capital,” <https://cleantechnica.com/2020/11/06/dont-encourage-biden-to-waste-political-capital/>, 11/6/2020)

It’s All About Political Capital

In short, political capital is a way to think about political power in democratic countries. Yes, winning elections does give some political power, but you can’t effectively use it unless you have coalitions, alliances, trust, goodwill, and influence. Your earned trust and connections are like money (capital). You can work hard to earn it and build it up, but it’s easy to spend it and even waste it, just like money.

If you get power from an election and then quickly spend all of the political capital impressing loyalists, you’ll get to the point where you can’t win future elections (Trump is a great example of this), can’t get votes together for legislation, and can’t get people to help you in a variety of other ways. At worst, a political leader who has run completely out of political capital might not even be able to get normal citizens to follow laws. As the consent of the governed is withdrawn, you see protests, riots, violence, terrorism, and even war.

### 2AC --- 1

#### Our uniqueness ev prices in the thumpers and says it passes now due to PC and quick progress - Elliott

#### Biden gets them onboard now BUT every drop of PC is key

Everett and Barrón-López, 9/16 (John Burgess Everett is the co-congressional bureau chief for POLITICO, and Laura Barrón-López, Laura Barrón-López is a White House Correspondent for POLITICO. 9-16-2021, accessed on 9-17-2021, POLITICO, "Dems call in big gun as they face huge Hill tests", https://www.politico.com/news/2021/09/16/biden-influence-capitol-democrats-511952)//Babcii

The next few months will push President Joe Biden to wield every drop of his influence over Congress. Democrats are plunging into messy internal debates over social programs from child care to drug pricing as they try to beat back GOP resistance on voting rights while steering the United States away from economic catastrophe. And in order to avert a government shutdown, avoid a debt default and fight ballot access restrictions passed in some GOP states, Democratic lawmakers are urging Biden to get more directly involved. Senate Majority Whip Dick Durbin said that Biden, “more than anyone,” maintains sway over his caucus’s 50 members: “There is no comparable political force to a president, and specifically Joe Biden at this moment.” Biden appears to be answering the call. The president is getting increasingly involved in Congress’ chaotic fall session as he battles sagging approval ratings, heightened concerns around the pandemic and some internal criticism over his withdrawal from Afghanistan. On Thursday, he'll speak to Senate Majority Leader Chuck Schumer and Speaker Nancy Pelosi ahead of a critical week for funding the government and lifting the debt ceiling. Rebounding as the midterms draw nearer will depend on whether his big social spending ambitions are realized and if his party can dodge a government shutdown and credit default. But even if he has success on those fronts, he still needs to maintain momentum on Democrats’ elections legislation, which Republicans look certain to torpedo. “I have full faith and confidence in Joe Biden in all of this,” said House Majority Whip Jim Clyburn, who's pressed Biden to endorse a filibuster carve out for voting rights legislation. “He is working this … and that’s how it should be.” Biden met with two key Democratic holdouts on his domestic spending agenda on Wednesday, part of a sustained push to keep Sens. Joe Manchin (D-W.Va.) and Kyrsten Sinema (D-Ariz.) on board with his legislative program. Biden’s met with Sinema four times this year, in addition to telephone calls made between the two, and has spoken to Manchin a similar number of times. “Now is the time” for Biden to jump full-force into the reconciliation conversation, said Sen. Tim Kaine (D-Va.). And the White House made clear that Biden is diving into the series of tricky issues. Andrew Bates, a spokesperson for Biden, said that Biden and his administration "are in frequent touch with Congress about each key priority: protecting the sacred right to vote, ensuring our economy delivers for the middle class and not just those at the top, and preventing needless damage to the recovery from the second-worst economic downturn in American history.” To help corral all 50 Senate Democrats for the social spending bill, the president and his party need to create an “echo chamber” around its substance, said Celinda Lake, a pollster on Biden’s campaign. But that won't be easy. Manchin has told colleagues he’s worried about whether the bill’s safety net, climate action and tax reforms will be popular in his state, according to one Senate Democrat. He's also said he won't support a measure at the current spending level: $3.5 trillion. If Biden can hammer home the popular aspects of the spending plan, it may help assuage Manchin and improve his whip count in Congress. Underscoring the degree to which he's become the face of the multi-trillion dollar reconciliation bill, a Democratic aide said the party is increasingly seeking to frame it as Biden’s agenda, not that of Sen. Bernie Sanders (I-Vt.) or any single Democrat. “People think they like the reconciliation package, but they really don't know what's in it,” said Lake, who added that her polling shows popularity for the measure, particularly among women and seniors. The coming months will also challenge Biden’s relationship with Republicans, who are threatening to block a debt limit hike after many of them supported a suspension or increase three times under former President Donald Trump. Biden campaigned as a Democrat who could work with Republicans, and he succeeded this summer by rounding up 19 Senate GOP votes for a $550 billion infrastructure bill. Yet he’s running into a brick wall in convincing Senate Minority Leader Mitch McConnell to provide at least 10 GOP votes to lift the nation's borrowing limit. Republicans say Biden’s dip in the polls isn’t driving their strategy on the debt ceiling. But it’s not helping either. “I don’t think anything in the last month has increased the likelihood that he can now create an atmosphere of: Let’s work together,” said Sen. Roy Blunt (R-Mo.), who voted for the infrastructure bill and debt ceiling increases under Trump. The White House is, so far, sticking by its plan to try and call McConnell’s bluff. Aides in the West Wing consider attaching a debt ceiling suspension or increase to a government funding measure the best way to pressure Republicans on the routine step required by law. Should that approach fail, they may be forced to separate the two fiscal measures to avert a shutdown. On the debt limit, congressional Democrats are in lockstep with the administration's strategy. But they're looking for Biden to exhibit more of his arm-twisting and back-slapping skills on their social spending plan and their bid to shore up voting rights protections. Biden “knows better than anyone the power of the United States [presidency] in persuading and sometimes cajoling the key members of Congress, when push comes to shove,” said Sen. Richard Blumenthal (D-Conn.). Though Biden has publicly warned of the existential threats to democracy posed by Republican-led state legislatures passing restrictive voting laws, Democrats are increasingly alarmed about the party’s inability to pass their election reform bills. Republicans are expected to block the party’s latest compromise with Manchin, who has shown zero interest in changing the Senate rules so that it would only require 50 votes to pass a bill to expand early voting and crack down on gerrymandering. “I don't believe any Democrats want to go down in history as being an obstructionist to maybe the most critical legislation for the voting rights of minorities, since 1965,” said Rep. Emanuel Cleaver (D-Mo.), who said the only pathway he sees is through a filibuster carve out. “There is no piece of legislation that is superior to this legislation.”

#### Progressive hard-ball and midterm pressure forces Manchin’s hand

Weissert, 9-17 (Will Weissert, Political Reporter @ AP, 9-17-2021, accessed on 9-17-2021, WJXT News4JAX, "Budget bill reopens moderate vs. progressive divide for Dems", <https://www.news4jax.com/news/politics/2021/09/17/budget-bill-reopens-moderate-vs-progressive-divide-for-dems/>)//babcii

Manchin is so far unmoved. "I’ve been very clear and very open" about the need to reduce the budget bill's price tag, he said.

In the House, meanwhile, Democratic Florida Rep. Stephanie Murphy, head of the moderate Blue Dog Coalition, opposed parts of the spending package in committee, arguing that her party’s effort to muscle it through was too rushed.

Progressives, though, have responded by playing their own legislative hardball. Democratic Rep. Pramila Jayapal of Washington, co-chairwoman of House Progressive Caucus, said the group remains unified behind a vow not to support a separate bill that many moderate Democrats are more excited about — a $1 trillion, bipartisan public works measure — until the spending bill advances.

“Joe Manchin has power, of course. We need his vote. But so do, really, every single one of us, because in the House, (Democrats) have a margin of three votes,” Jayapal said on a conference call with progressive activists. “Everyone’s a Joe Manchin here."

Sanders, who spearheaded the proposal as head of the Senate Budget Committee after some progressives pushed for spending plans worth as much as $6 trillion, says the current price tag is compromise enough and has vowed not to accept further cuts. He says tax increases on the rich can resonate with working class voters from both parties.

Marshall said many voters in battleground House districts do indeed applaud higher levies for the wealthy as “tax fairness,” but that support wanes if additional spending focuses more on social programs than economic stimulus.

“It has to be tied to a plan to create good jobs, spur innovation and growth,” said Marshall, who added that many in swing districts have also expressed concerns about running up federal debts and contributing to rising inflation.

Still, he said, it would be even more costly for Democrats if the squabbles over the budget proposal's final price tag drag on.

“I think Democrats will find a way to compose their differences simply because they can’t afford to have this president fail," Marshall said. "The margins are just too narrow.”

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#### Biden maintained solid PC and it was popular with the public

**Kapur, 21** (Sahil Kapur, National political reporter for NBC News; “Biden bets a war-weary America will reward him for leaving Afghanistan”; NBC News; 8-19-2021; https://www.nbcnews.com/politics/white-house/joe-biden-bets-war-weary-america-will-reward-him-leaving-n1277104)

President Joe Biden is standing firmly by his decision to withdraw U.S. forces from Afghanistan, despite chaotic scenes of the Taliban rapidly seizing control and the U.S. rushing to airlift diplomats out of the country. Behind his confidence is a political bet that a war-weary U.S. public will stick with him and enable him to weather a firestorm of criticism, not just from his Republican opposition but also from Democratic allies who promise to investigate failures surrounding the withdrawal. Public support for the withdrawal has fallen from earlier this year, but pluralities still want U.S. forces out, according to two new surveys. A Yahoo News poll found that 40 percent support the pullout, while 28 percent oppose it. (In July, 50 percent favored the pullout.) A Morning Consult/Politico poll found that 49 percent support the withdrawal, while 37 percent oppose it. (In April, 69 percent backed withdrawal.) The criticism has been heaviest over the execution of the withdrawal, including the failure to evacuate U.S. personnel and partners in time for the rapid Taliban takeover. Republican lawmakers, and some Democrats, have compared it to the fall of Saigon, South Vietnam, in 1975. At the moment, Biden needs all the political capital he can muster, in order to spend it on signing an infrastructure bill and a $3.5 trillion social safety net package at the core of his domestic agenda, which his party is counting on to survive a difficult midterm election cycle next year. Democratic strategists say Biden is on solid political footing, arguing that Americans will ultimately see the issue as a simple choice between continuing the occupation and ending it. "No one likes where this ended up, but it's hard to see Republicans winning elections on a campaign promise to go back to war in Afghanistan in 2022 or 2024," said Jesse Ferguson, a Democratic consultant who has worked for the party's House campaign arm and Hillary Clinton's 2016 presidential bid. Republicans see little opportunity in digging in on a pro-war position, particularly after 20 years of money and lives lost trying to build a democratic state that collapsed like a house of cards as soon as U.S. forces left. Chris Hartline, a spokesman for the Senate GOP campaign arm, said of the politics of the withdrawal: "It's hard to tell how it'll play in the long run." But he said the situation paints Biden as a "weak leader" who operates with a "nonchalance" on issues like the border, inflation and now Afghanistan. Taken together, he said, Biden appears "weak, disengaged or just plain lost." Matt Gorman, a Republican consultant who has worked on presidential and House races, said the issue of Afghanistan resonates with voters insofar as Biden's opposition can tie it to his leadership on matters that affect them day to day. "The biggest political risk here is that it compounds with inflation, gas prices and crime. This is all making Biden look like a bystander," he said. "He's watching events and not leading them." But to Biden's allies, the decision to pull out and absorb the short-term pain was a mark of leadership that his three predecessors who oversaw the war lacked the courage to practice. In a speech Monday, Biden said that Americans shouldn't be asked to step up when Afghanistan's own armed forces wouldn't and that he won't "pass this responsibility on to a fifth president." He defended his decision in an ABC News interview that aired Wednesday. "The idea that somehow there's a way to have gotten out without chaos ensuing, I don't know how that happens," Biden said. "I had a simple choice. If I said, 'We're going to stay,' then we'd better be prepared to put a whole lot, hell of a lot more troops in." His remarks channeled weariness with war among the public, with voters in both parties turning against wars in Afghanistan and Iraq, which were launched after the Sept. 11, 2001 terrorist attacks nearly 20 years ago. Trump capitalized on similar sentiments in his 2016 campaign. Likely voters support the withdrawal by 51 percent to 37 percent, according to a new poll by Data for Progress, a progressive firm that has been cited by the White House. "Even with the negative coverage of the last few days, Data for Progress and other pollsters still find net support for withdrawal," said Sean McElwee, the group's executive director. "Ultimately, the American public does not support permanent overseas occupation."

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#### 3. The plan is controversial

Folio 21 Joseph Charles Folio III Of Counsel, David J. Shaw Partner, and Alexander Paul Okuliar Co-chair Global Antitrust Law Practice Group, 3-25-2021, " FTC Lays Groundwork for Rulemakings: Are New Substantive Competition Rules Coming?," No Publication, https://www.mofo.com/resources/insights/210511-ftc-lays-groundwork-rulemakings.html

In addition to the rulemaking proposal at the FTC, there is heightened activity on the Hill that may lead to reform in one way or another. The antitrust subcommittees in the Senate and the House have held numerous hearings on these competition issues, and legislators from both parties are debating different proposals to change the antitrust laws. In particular, in 2020, the House Judiciary Committee’s Antitrust Subcommittee conducted a bipartisan investigation into competition in digital markets. At the conclusion of the Subcommittee’s investigation, the Democratic majority issued a lengthy report finding that major digital companies were violating existing antitrust laws and recommending extensive changes to the law that could dramatically reshape how companies are allowed to operate.[17] Significantly, the report questioned the consumer welfare standard—the touchstone of antitrust enforcement for the past 50 years—and criticized the Supreme Court for “adopting a narrow construction of ‘consumer welfare’ as the sole goal of the antitrust laws.”[18] The report’s recommendations “for future consideration” included breaking up major digital companies in order to separate “adjacent lines of business,” mandating nondiscrimination and prohibiting self-preferencing, requiring interoperability and data portability, prohibiting mergers and acquisitions by “dominant platforms,” and prohibiting “abuses of superior bargaining power.”[19] Although the House Judiciary committee officially adopted the report on a party-line vote, aspects of its findings had bipartisan support. The Republican minority’s (more limited) companion report identified several areas of agreement, including concerns that tech companies were “using ‘killer acquisitions’ to remove up-and-coming competitors from the marketplace,” and that the burdens of proof for mergers and predatory pricing cases required reevaluation.[20] These narrow areas of agreement reflect a shared interest in action, which may embolden reformers, but most of the antitrust bills introduced this Congress seem intended more to “signal” to core constituencies rather than make new law. For these reasons, aside from modest proposals to increase funding for antitrust enforcement, significant bipartisan antitrust legislation remains unlikely. In an environment where broad antitrust legislation remains out of reach, the committee report is more likely to serve as a roadmap for future FTC rulemaking, especially insofar as one of its authors is set to become an FTC commissioner.

#### 4. New antitrust measures provoke intense corporate opposition and backlash

Stein, Gregg, and Zakrzewski, 7-9-21

(Jeff, Aaron, and Cat, “Biden’s bid to take on big business sets off battle over who holds power in U.S. economy,” accessed 7-11-21, <https://www.washingtonpost.com/business/2021/07/09/biden-executive-order-promoting-competition/>) JFN

President Biden signed an executive order on Friday taking aim at industries where certain companies dominate the market, kicking off a major new battle between the administration and corporate titans that could reshape aspects of the U.S. economy. The executive order — which contains 72 initiatives — is striking in its scope and ambition, challenging the business practices of America’s enormous technology, health-care, agricultural and manufacturing firms while also aiming to shake up smaller sectors dominated by only a handful of companies, such as the hearing aid industry. “The heart of American capitalism is a simple idea: open and fair competition,” Biden said in remarks before signing the order, accompanied by several members of his Cabinet. “…Competition keeps the economy moving and keeps it growing. Fair competition is why capitalism has been the world’s greatest force for prosperity and growth.” The effort reflects a major change in Democratic policymaking circles, where a new generation of economists has produced research and advocacy arguing that corporate consolidation has harmed workers and consumers. It also tees up a major challenge for the administration, which is likely to face sharp resistance from businesses that may seek relief through courts that have shown skepticism about competition arguments in the past. Late last month, for instance, a federal court threw out antitrust cases brought against Facebook by the Federal Trade Commission and state attorneys general. What’s more, many big companies have only grown in power in the past 18 months, as size became a major asset in navigating the financial and economic turbulence of the coronavirus pandemic.

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#### 2. Their interpretation of fiat’s anti-educational.

Michael W. Kearney 14, Doctoral student in Communication Studies and assistant debate coach, University of Kansas, “How Durable Is It? A Contextualized Interpretation Of Fiat In Policy Debate,” National Journal of Speech & Debate, 2(2), January 2014, http://site.theforensicsfiles.com/NJSD.2-2.Final.pdf

FIAT AD INFINITUM I believe these trends have emerged because the sophistication of fiat theory has stagnated. More often than not, when today's debaters encounter arguments that question the durability of their policies, the most common response is simply, “fiat is durable,” presumably representing an alternative understanding of fiat. This implicit interpretation of fiat, which I will refer to as fiat ad infinitum, suggests that fiat is infinite and unbounded by real world forces. In a sense, the utopian nature of this interpretation mirrors a conceptualization of debate as a form of social criticism wherein debaters emphasize the ideal world rather than the real world.2 In theory, this approach is not without merit. However, given contemporary debate’s emphasis on the real world, fiat ad infinitum seems both unnecessary and counterproductive as it departs too far from topic literature and the real world more generally. CONTEXTUALIZED FIAT As an alternative to fiat ad infinitum, I propose a contextualized understanding of fiat. This proposed interpretation would serve primarily as the justification for debating what “should” be done, but relevant forces would still influence the power and durability of any particular action. In other words, debates would still focus on hypothetically implemented policies, but they would no longer ignore many real world consequences. To better understand this interpretation, I will explain how a contextualized understanding of fiat might fluctuate depending on institutional, attitudinal, and temporal changes. Institutional changes refer to the relative abilities of acting agencies. In many debates, participants introduce evidence that advocates for particular actors, only to later retreat when opposing teams “fiat” a similar action by a different actor. This retreat often occurs because participants struggle to differentiate between the institutional limitations of policy actors. Since fiat ad infinitum treats every action as infinitely durable, debaters presume that decisions made by executive agencies possess the same staying power as decisions made by the President, the Congress, and the Supreme Court. A contextualized interpretation of fiat, on the other hand, would reward debaters who compare the inherent strengths and weakness of institutions. Attitudinal changes refer to the general mood surrounding policies. Though fiat sidesteps feasibility questions, attitudes can still influence policies after passage. Of course, any interpretation of fiat must assume that a policy has enough support to come into existence. However, debate would be ignoring a wealth of history and literature by pretending that every policy carries the same level of support. Here, the lines become less clear, but recent pieces of major legislation help provide some context for these attitudinal forces on policies. Shortly after the passage of Obama’s controversial health care legislation, the judiciary, potential presidential candidates, and an entire political party attempted to reverse the law.3 Conversely, the almost unanimously supported Patriot Act legislation has slowly given way to growing opposition.4 Under the fiat ad infinitum interpretation, these policies would be equally durable, and debaters would be denied the opportunity to make arguments regarding the attitudes that shaped real world policies. Temporal changes refer to the potential political, cultural, and economic influences on policies in the future. Political sea changes typically occur when a party gains or regains control over a governmental body. Changes in the executive branch, for example, often produce policy reversals. Since its inception, The Mexico City Gag Rule has been adopted or rescinded according to the political party of the President.5 Cultural changes have also influenced policies, though these changes generally occur slowly. Recently, cultural changes resulted in the reversals of the Don’t Ask Don’t Tell and Defense Of Marriage Act policies.6 Finally, economic changes regularly influence policies. In the case of financial regulations, The Glass-Steagall Act was adopted and repealed as the economy expanded and contracted.7 In sum, these changes over time provide the contexts that shape political institutions and policy decisions. Without a contextualized understanding of fiat, however, policy debate would continue to diverge from the political, cultural, and economic forces that create the real world. Debate challenges individuals to research, think critically, and communicate effectively about hypothetical actions. So long as debate continues to emphasize the real world, these skills will require debaters to understand the institutional, attitudinal, and temporal changes that influence real policies. Adopting a contextualized understanding of fiat will not simplify debate, but categorically dismissing real world consequences will certainly dumb it down.

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#### The bill solves warming.

Bordoff 3/15/21 (Jason – professor of international and public affairs at Columbia University and a former senior director on the staff of the National Security Council, “The Time for a Green Industrial Policy Is Now,” https://foreignpolicy.com/2021/03/15/biden-climate-energy-transition-green-new-deal-industrial-policy/)

Now that U.S. President Joe Biden’s $1.9 trillion plan for economic stimulus and pandemic relief has become law, his administration will turn its attention to a multitrillion-dollar plan to rebuild the United States’ ailing infrastructure. Its scope goes far beyond roads and bridges. Viewed in combination with other parts of Biden’s economic agenda, it reflects a new openness on both sides of the aisle to what has traditionally been known as industrial policy. Critics deride industrial policy as protectionist and as the government picking “winners,” but when it comes to clean energy—a top priority for Biden—a push by his administration to build new and innovative clean energy sectors using industrial policy may actually be the greatest contribution it can make to combating climate change. Industrial policy, long anathema to mainstream economic policymakers in Washington, is back in vogue. The Biden administration’s Build Back Better economic plan includes targeted support for specific industries to make them more competitive with Asia and Europe and government procurement provisions to boost domestic manufacturing with “Buy America” requirements. As White House economist Jared Bernstein wrote in Foreign Policy, “the rationale for industrial policy is as strong as ever.” Biden’s national security advisor, Jake Sullivan, similarly wrote in Foreign Policy that “advocating industrial policy … should be considered something close to obvious.” Even Republicans, such as Sen. Marco Rubio, have been willing to deviate from the free-market’s gospel by endorsing industrial policy. The push for industrial policy has been particularly strong for clean energy—as a way to combine battling climate change with building strategically important parts of the economy. The Green New Deal in 2019 drew the link between achieving net-zero emissions and creating millions of jobs by investing in the “industry of the United States.” Biden’s top economic advisor, Brian Deese, said, “some of the biggest opportunities” in climate policy right now are “what some people would call straight-out industrial policy.” Industrial policy is a phrase used to mean different things. Broadly speaking, it refers to government intervention in the economy to promote and protect targeted sectors, often those considered strategically important. The term is therefore instinctively distasteful to those schooled in the laissez-faire, free-market orthodoxy of Adam Smith’s “invisible hand.” They worry about a creeping state capitalism that favors well-connected companies, stifling innovation and competition. In reality, of course, the energy sector has never been free of government intervention. Nearly every source of energy receives some degree of favorable tax treatment. Nuclear energy receives government liability protection. Government investment and research gave rise to the shale revolution. As Robert McNally points out in his book, Crude Volatility: The History and the Future of Boom-Bust Oil Prices, the Texas Railroad Commission was the most successful oil cartel in history in setting prices, and even a Republican president like Dwight D. Eisenhower protected the domestic oil industry from the threat of imported oil. The argument for government’s role in the energy sector is even stronger today. To be fair, there are good reasons for government intervention in the energy market. Energy use and production can impose harm on others, such as through air pollution and carbon emissions. Energy innovation delivers benefits to all of us beyond the economic gains the innovator can capture. Energy infrastructure investment, such as pipelines, transmission lines, and electric vehicle chargers, may be hampered if any one firm’s investments benefit all their competitors or if it risks monopolistic market power of energy delivery mechanisms. The argument for government’s role in the energy sector is even stronger today. First, the world faces an existential threat from climate change. With time running short to begin sharply curbing emissions, market forces will not deliver the pace of transition needed without robust government intervention. Second, the scale of that transition creates enormous economic opportunity to build new energy sectors. With the economy in a deep hole from the pandemic, leading in these new sectors can spur significant job growth. Finally, given the strategic importance of energy—critical to every citizens’ economic and physical well-being and safety, as the recent crisis in Texas reminded us—there is a strong national security rationale to develop these technologies and capabilities in the United States. As the energy system transitions to cleaner alternatives, there will be new risks associated with the critical minerals’ supply chains required for renewable energy and batteries, cybersecurity, and global trade chokepoints, which argues for reinforcing the domestic U.S. industrial base in these technologies. To tackle the problem of climate change, Sullivan and Biden’s China advisor, Kurt Campbell, persuasively argued that the United States must pursue not only cooperation but also economic competition with China, for example. Noting that both Democrats and Republicans “are making a convincing case for a new U.S. industrial policy,” they called for more government investment in infrastructure and research in clean energy, among other areas, to confront such a “challenging economic competitor” as China. The argument against industrial policy to combat climate change is that the government cannot anticipate which technologies will deliver the cheapest solutions. Yet, as the International Energy Agency explained, most of the key technologies the energy sector needs to reach net-zero emissions are known today. Market forces are still powerful—when properly directed by a carbon price—to give firms and consumers the right incentives to adopt and develop those technologies and to determine which ones emerge as the best solutions in different energy sectors. Moreover, critics of industrial policy argue that if the goal is to reduce emissions as fast as possible, it should matter less whether the technology is made in the United States than whether it is as cheap as possible so more people will adopt it. Germany’s Energiewende, a comprehensive plan to shift the country to renewable energy, has been criticized for its high cost per ton of emissions avoided, which economists have estimated to be between $600 and $1500, much costlier than most other policy interventions. (To put the German numbers in context: The Obama administration estimated the total harm caused by one ton of carbon dioxide to be around $50, although there are good arguments to revise that figure higher.) Jason Furman, a Harvard professor and former Obama administration economic advisor, said “if you think climate change is the biggest challenge facing the country … you should want to make sure a lot of solar and wind energy is produced in the United States. You shouldn’t care nearly as much where panels and turbines are produced.” Furman’s view is correct if the goal is to cut emissions in the United States as fast as possible. But what if the goal is to decarbonize the entire world’s emissions as fast as possible? What if the goal is to show climate leadership by helping all nations achieve net-zero emissions? In that case, the measure of U.S. climate policy should be less about how fast it brings down domestic emissions, only 15 percent of the world’s annual total, than about how fast it brings down the cost of clean technologies needed for the rest of the world to decarbonize. Some clean energy technologies, such as solar and wind power or electric vehicles, are fairly cost competitive today relative to their carbon-intensive counterparts. Yet as Bill Gates explained in his new book, the cost difference between carbon-emitting and carbon-free production—what he calls the “green premium”—remains exceptionally high for many sectors and technologies, such as cement and steel, air travel and shipping, long-duration energy storage to cope with the intermittency of renewable energy, and steady sources of electricity like nuclear power or natural gas with carbon capture and storage. These technologies may not be needed to make a large dent in emissions by 2030, but they will absolutely be needed to achieve net-zero emissions by mid-21st century. Consider that the largest source of global greenhouse gas emissions comes from what Gates calls “making things,” such as the production of cement, steel, and plastics—sectors that will almost certainly need nascent technologies to decarbonize. The technologies needed for sectors that are hard to decarbonize also offer many of the biggest economic opportunities for growth. To promote domestic industries developing technologies for such hard-to-decarbonize sectors, policies should boost demand for such products, spur their deployment, and lower production costs. As first U.S. Treasury Secretary Alexander Hamilton famously explained: “In matters of industry, human enterprise ought, doubtless, to be left free in the main, not fettered by too much regulation; but practical politicians know that it may be beneficially stimulated by prudent aids and encouragements on the part of the Government.” What might such a clean energy industrial policy look like? Dramatically increasing clean energy research and development funding can accelerate needed innovation. Subsidies can lower the cost of clean energy technologies, and a carbon price can increase the cost of carbon-intensive alternatives. The government can use its procurement power to create more demand or reduce risk for developers by signing long-term energy purchase agreements or guaranteeing them a certain price by paying the difference to prevailing market prices (the “contract for difference” model used in the United Kingdom). Low-cost loans and loan guarantees can support projects by lowering the cost of capital and the barriers to accessing private capital because of perceived technological risk. Infrastructure investment and streamlined permitting can boost demand and overcome chicken-and-egg problems. For example, there may be little incentive to develop zero-carbon hydrogen or install carbon-capture technology on power plants if there are no pipelines to transport fuel or carbon dioxide—but firms will not build the infrastructure until the new technology is commercialized. Trade and economic policy can align U.S. competitiveness with a global clean energy transition, such as through export finance to help clean energy companies compete with Chinese and other competitors in emerging markets. Some argue industrial policy should also protect U.S. firms through import tariffs or “Buy America” provisions, but such protectionist tools risk backfiring if retaliatory measures by other countries close export markets to these new domestic industries. There are three reasons a U.S. clean energy industrial policy makes particular sense today. First, the technologies needed for sectors that are hard to decarbonize also offer many of the biggest economic opportunities for growth. According to the International Energy Agency, almost half of the cumulative emission reductions needed to achieve net-zero emissions by 2050 come from technologies that are not yet commercially available. China already dominates the market for solar panels and batteries, a result of government decisions taken more than a decade ago, so it would be very difficult for the United States to displace China in these technologies, which China already produces very cheaply. By contrast, the United States is well-positioned to build a strong industrial base to produce and export zero-carbon energy in the form of hydrogen and ammonia, fuel cells to produce zero-carbon electricity, or carbon-capture and removal technologies. Second, these technologies will be needed to decarbonize globally, and by bringing the cost of these technologies down through government investments, Washington can help accelerate their deployment outside the United States as well. In this way, a U.S. industrial policy to promote clean energy can serve not as protectionism but as one of the country’s greatest contributions to global efforts to combat climate change. In the future, roughly 95 percent of all greenhouse gas emissions will come from outside the United States. Yet developing market countries, which are poorer and use much less energy per capita than developed countries do, will not adopt low-carbon solutions unless they are affordable.

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#### Warming leads to extinction.

Kareiva 18, Ph.D. in ecology and applied mathematics from Cornell University, director of the Institute of the Environment and Sustainability at UCLA, Pritzker Distinguished Professor in Environment & Sustainability at UCLA, et al. (Peter, “Existential risk due to ecosystem collapse: Nature strikes back,” *Futures*, 102)

In summary, six of the nine proposed planetary boundaries (phosphorous, nitrogen, biodiversity, land use, atmospheric aerosol loading, and chemical pollution) are unlikely to be associated with existential risks. They all correspond to a degraded environment, but in our assessment do not represent existential risks. However, the three remaining boundaries (climate change, global freshwater cycle, and ocean acidification) do pose existential risks. This is because of intrinsic positive feedback loops, substantial lag times between system change and experiencing the consequences of that change, and the fact these different boundaries interact with one another in ways that yield surprises. In addition, climate, freshwater, and ocean acidification are all directly connected to the provision of food and water, and shortages of food and water can create conflict and social unrest. Climate change has a long history of disrupting civilizations and sometimes precipitating the collapse of cultures or mass emigrations (McMichael, 2017). For example, the 12th century drought in the North American Southwest is held responsible for the collapse of the Anasazi pueblo culture. More recently, the infamous potato famine of 1846–1849 and the large migration of Irish to the U.S. can be traced to a combination of factors, one of which was climate. Specifically, 1846 was an unusually warm and moist year in Ireland, providing the climatic conditions favorable to the fungus that caused the potato blight. As is so often the case, poor government had a role as well—as the British government forbade the import of grains from outside Britain (imports that could have helped to redress the ravaged potato yields). Climate change intersects with freshwater resources because it is expected to exacerbate drought and water scarcity, as well as flooding. Climate change can even impair water quality because it is associated with heavy rains that overwhelm sewage treatment facilities, or because it results in higher concentrations of pollutants in groundwater as a result of enhanced evaporation and reduced groundwater recharge. Ample clean water is not a luxury—it is essential for human survival. Consequently, cities, regions and nations that lack clean freshwater are vulnerable to social disruption and disease. Finally, ocean acidification is linked to climate change because it is driven by CO2 emissions just as global warming is. With close to 20% of the world’s protein coming from oceans (FAO, 2016), the potential for severe impacts due to acidification is obvious. Less obvious, but perhaps more insidious, is the interaction between climate change and the loss of oyster and coral reefs due to acidification. Acidification is known to interfere with oyster reef building and coral reefs. Climate change also increases storm frequency and severity. Coral reefs and oyster reefs provide protection from storm surge because they reduce wave energy (Spalding et al., 2014). If these reefs are lost due to acidification at the same time as storms become more severe and sea level rises, coastal communities will be exposed to unprecedented storm surge—and may be ravaged by recurrent storms. A key feature of the risk associated with climate change is that mean annual temperature and mean annual rainfall are not the variables of interest. Rather it is extreme episodic events that place nations and entire regions of the world at risk. These extreme events are by definition “rare” (once every hundred years), and changes in their likelihood are challenging to detect because of their rarity, but are exactly the manifestations of climate change that we must get better at anticipating (Diffenbaugh et al., 2017). Society will have a hard time responding to shorter intervals between rare extreme events because in the lifespan of an individual human, a person might experience as few as two or three extreme events. How likely is it that you would notice a change in the interval between events that are separated by decades, especially given that the interval is not regular but varies stochastically? A concrete example of this dilemma can be found in the past and expected future changes in storm-related flooding of New York City. The highly disruptive flooding of New York City associated with Hurricane Sandy represented a flood height that occurred once every 500 years in the 18th century, and that occurs now once every 25 years, but is expected to occur once every 5 years by 2050 (Garner et al., 2017). This change in frequency of extreme floods has profound implications for the measures New York City should take to protect its infrastructure and its population, yet because of the stochastic nature of such events, this shift in flood frequency is an elevated risk that will go unnoticed by most people. 4. The combination of positive feedback loops and societal inertia is fertile ground for global environmental catastrophes Humans are remarkably ingenious, and have adapted to crises throughout their history. Our doom has been repeatedly predicted, only to be averted by innovation (Ridley, 2011). However, the many stories of human ingenuity successfully addressing existential risks such as global famine or extreme air pollution represent environmental challenges that are largely linear, have immediate consequences, and operate without positive feedbacks. For example, the fact that food is in short supply does not increase the rate at which humans consume food—thereby increasing the shortage. Similarly, massive air pollution episodes such as the London fog of 1952 that killed 12,000 people did not make future air pollution events more likely. In fact it was just the opposite—the London fog sent such a clear message that Britain quickly enacted pollution control measures (Stradling, 2016). Food shortages, air pollution, water pollution, etc. send immediate signals to society of harm, which then trigger a negative feedback of society seeking to reduce the harm. In contrast, today’s great environmental crisis of climate change may cause some harm but there are generally long time delays between rising CO2 concentrations and damage to humans. The consequence of these delays are an absence of urgency; thus although 70% of Americans believe global warming is happening, only 40% think it will harm them (http://climatecommunication.yale.edu/visualizations-data/ycom-us-2016/). Secondly, unlike past environmental challenges, the Earth’s climate system is rife with positive feedback loops. In particular, as CO2 increases and the climate warms, that very warming can cause more CO2 release which further increases global warming, and then more CO2, and so on. Table 2 summarizes the best documented positive feedback loops for the Earth’s climate system. These feedbacks can be neatly categorized into carbon cycle, biogeochemical, biogeophysical, cloud, ice-albedo, and water vapor feedbacks. As important as it is to understand these feedbacks individually, it is even more essential to study the interactive nature of these feedbacks. Modeling studies show that when interactions among feedback loops are included, uncertainty increases dramatically and there is a heightened potential for perturbations to be magnified (e.g., Cox, Betts, Jones, Spall, & Totterdell, 2000; Hajima, Tachiiri, Ito, & Kawamiya, 2014; Knutti & Rugenstein, 2015; Rosenfeld, Sherwood, Wood, & Donner, 2014). This produces a wide range of future scenarios. Positive feedbacks in the carbon cycle involves the enhancement of future carbon contributions to the atmosphere due to some initial increase in atmospheric CO2. This happens because as CO2 accumulates, it reduces the efficiency in which oceans and terrestrial ecosystems sequester carbon, which in return feeds back to exacerbate climate change (Friedlingstein et al., 2001). Warming can also increase the rate at which organic matter decays and carbon is released into the atmosphere, thereby causing more warming (Melillo et al., 2017). Increases in food shortages and lack of water is also of major concern when biogeophysical feedback mechanisms perpetuate drought conditions. The underlying mechanism here is that losses in vegetation increases the surface albedo, which suppresses rainfall, and thus enhances future vegetation loss and more suppression of rainfall—thereby initiating or prolonging a drought (Chamey, Stone, & Quirk, 1975). To top it off, overgrazing depletes the soil, leading to augmented vegetation loss (Anderies, Janssen, & Walker, 2002). Climate change often also increases the risk of forest fires, as a result of higher temperatures and persistent drought conditions. The expectation is that forest fires will become more frequent and severe with climate warming and drought (Scholze, Knorr, Arnell, & Prentice, 2006), a trend for which we have already seen evidence (Allen et al., 2010). Tragically, the increased severity and risk of Southern California wildfires recently predicted by climate scientists (Jin et al., 2015), was realized in December 2017, with the largest fire in the history of California (the “Thomas fire” that burned 282,000 acres, https://www.vox.com/2017/12/27/16822180/thomas-fire-california-largest-wildfire). This catastrophic fire embodies the sorts of positive feedbacks and interacting factors that could catch humanity off-guard and produce a true apocalyptic event. Record-breaking rains produced an extraordinary flush of new vegetation, that then dried out as record heat waves and dry conditions took hold, coupled with stronger than normal winds, and ignition. Of course the record-fire released CO2 into the atmosphere, thereby contributing to future warming. Out of all types of feedbacks, water vapor and the ice-albedo feedbacks are the most clearly understood mechanisms. Losses in reflective snow and ice cover drive up surface temperatures, leading to even more melting of snow and ice cover—this is known as the ice-albedo feedback (Curry, Schramm, & Ebert, 1995). As snow and ice continue to melt at a more rapid pace, millions of people may be displaced by flooding risks as a consequence of sea level rise near coastal communities (Biermann & Boas, 2010; Myers, 2002; Nicholls et al., 2011). The water vapor feedback operates when warmer atmospheric conditions strengthen the saturation vapor pressure, which creates a warming effect given water vapor’s strong greenhouse gas properties (Manabe & Wetherald, 1967). Global warming tends to increase cloud formation because warmer temperatures lead to more evaporation of water into the atmosphere, and warmer temperature also allows the atmosphere to hold more water. The key question is whether this increase in clouds associated with global warming will result in a positive feedback loop (more warming) or a negative feedback loop (less warming). For decades, scientists have sought to answer this question and understand the net role clouds play in future climate projections (Schneider et al., 2017). Clouds are complex because they both have a cooling (reflecting incoming solar radiation) and warming (absorbing incoming solar radiation) effect (Lashof, DeAngelo, Saleska, & Harte, 1997). The type of cloud, altitude, and optical properties combine to determine how these countervailing effects balance out. Although still under debate, it appears that in most circumstances the cloud feedback is likely positive (Boucher et al., 2013). For example, models and observations show that increasing greenhouse gas concentrations reduces the low-level cloud fraction in the Northeast Pacific at decadal time scales. This then has a positive feedback effect and enhances climate warming since less solar radiation is reflected by the atmosphere (Clement, Burgman, & Norris, 2009). The key lesson from the long list of potentially positive feedbacks and their interactions is that runaway climate change, and runaway perturbations have to be taken as a serious possibility. Table 2 is just a snapshot of the type of feedbacks that have been identified (see Supplementary material for a more thorough explanation of positive feedback loops). However, this list is not exhaustive and the possibility of undiscovered positive feedbacks portends even greater existential risks. The many environmental crises humankind has previously averted (famine, ozone depletion, London fog, water pollution, etc.) were averted because of political will based on solid scientific understanding. We cannot count on complete scientific understanding when it comes to positive feedback loops and climate change.