# 1NC

## Off

### 1NC

#### The United States federal government should substantially increase prohibitions on anticompetitive business practices by the private sector by expanding regulations requiring separation of platforms from commerce for platforms in the private sector.

#### The counterplan solves and competes

Shelanski 18, Professor of Law @ Georgetown (Howard, “Antitrust and Deregulation,” Yale Law Journal)

A. Antitrust and Regulation as Policy Alternatives

A variety of institutions can govern economic competition. Decentralized, capitalist economies generally rely on markets themselves to provide the incen- tives and discipline necessary to keep prices low, output high, and innovation moving forward.8 But sometimes market forces alone cannot ensure efficiency and economic welfare—for example, when the market structure has changed due to mergers or the rise of a dominant firm, or when the market is an oligopoly susceptible to parallel conduct or collusion. In such cases, governance of competition by a nonmarket institution might be warranted. Because concentrated markets or even monopolies can arise for good reasons related to efficiency, in- novation, and consumer preference, the governance of competition more often involves vigilance than liability or injunctions. Then-Judge Stephen Breyer, long a leading scholar of antitrust and regulation, described the best situation as being an unregulated, competitive market in which “antitrust may help maintain com- petition.”9 Antitrust law aims to prevent the improper creation and exploitation of market power on a case-by-case basis while avoiding the punishment of commercial success justly earned through “skill, foresight and industry.”10 Thus, competition authorities like the FTC and the DOJ’s Antitrust Division review mergers, inves- tigate single-firm conduct, and prosecute collusion.11 Private plaintiffs can pur- sue civil antitrust liability through suits in the federal courts.12 To win their claims, enforcement agencies and private plaintiffs bear the burden of showing that the effect of a firm’s activity is “substantially to lessen competition, or to tend to create a monopoly,”13 or to constitute a “contract, combination, . . . or conspir- acy” in restraint of trade,14 or to “monopolize, or attempt to monopolize” any line of business.15 Antitrust is not, however, the only institution through which government addresses competition concerns and market failures. Congress can give regulatory agencies authority to intervene where they see the need to address competition and market structure—and Congress has often done so. With such statutory authority, “[i]n effect, the agency becomes a limited-jurisdiction enforcer of antitrust principles.”16 For example, the Department of Transportation (DOT) has jurisdiction to approve transfers of routes between airlines carriers, giving it a role in reviewing airline mergers.17 The 1992 Cable Act gave the FCC authority to limit the share of the national cable market that a single operator could serve, thereby giving the agency some control over the industry’s market structure.18 The FCC has long regulated market entry and, through its control over license transfers, reviewed mergers and acquisitions in several sectors of the telecom- munications industry. More recently, the FCC issued,19 and then repealed, 20 “network neutrality” regulations intended to preserve ease of entry and a level playing field for digital services. The Food and Drug Administration (FDA), Securities and Exchange Commission (SEC), Department of Energy, and numerous other federal agencies have various powers that directly affect competition.21 State regulation can be important as well in governing competition, particularly in the insurance and healthcare industries.22 In contrast to the case-by-case approach of antitrust, regulation typically im- poses ex ante prohibitions or requirements on business conduct. The Telecommunications Act of 1996, for example, required incumbent local telephone com- panies to grant new competitors access to parts of their networks and prohibited incumbents from refusing to interconnect calls from their customers to custom- ers of competing networks.23 With the rule in place, the FCC bore no burden of proving that a specific instance of network access was necessary for competition, or that a specific denial of interconnection would harm competition. In contrast to antitrust, where the burden of proving liability is on the agency, under a regulatory regime the burden of seeking a waiver from regulation or challenging an agency’s enforcement decision is usually on the regulated party. Antitrust and regulation therefore present alternative approaches to governing competition and addressing market failures.24 The government can review individual mergers under the antitrust laws, as it does in most markets, or it can set rules that impose clear, ex ante limits on the extent of concentration, as the FCC did for media ownership under the Communications Act.25 Government can investigate under the antitrust laws whether a firm has monopoly power that it has “willful[ly]” acquired or maintained other than “as a consequence of a su- perior product, business acumen, or historic accident.”26 Alternatively, with au- thority from Congress an agency can regulate how much of a market a single firm can serve, as the FCC tried to do with cable companies,27 or require firms to dispose of key assets in order to promote competition in a relevant market, as the DOT has done with airline slots.28

### 1NC

#### Infrastructure succeeds---PC is key

Pettypiece 9-30-2021 American print and broadcast journalist. She is currently Senior White House Correspondent for NBC News Digital (Shannon, “With agenda in peril, Biden faces pressure to break Democratic impasse,” *NBC News*, <https://www.nbcnews.com/politics/white-house/agenda-peril-biden-faces-pressure-break-democratic-impasse-n1280504>)

President Joe Biden and his top aides scrambled Thursday to break a [deadlock](https://www.nbcnews.com/politics/congress/house-braces-infrastructure-vote-progressive-democrats-vow-block-n1280379) between House and Senate Democrats in what could be a last-ditch effort to save a key piece of his domestic political agenda. Biden spent the day at the White House out of public view making calls to Democratic leaders and other members of Congress as staff members went in and out of the Oval Office to update him on talks, White House press secretary Jen Psaki said. The White House was taking the situation "hour by hour," and Biden had cleared his schedule to focus on the [negotiations](https://www.nbcnews.com/politics/congress/mutually-assured-destruction-house-liberals-dig-halting-infrastructure-bill-n1280275), she said. "We are working towards winning a vote tonight. We have several hours left in the day," Psaki said Thursday afternoon, referring to the day's deadline as "self-imposed." Biden is at risk of losing momentum on the $550 billion infrastructure bill, along with a wider $3.5 billion social spending package. Both were central campaign promises, and they are the focus of his domestic policy agenda. With time running out on the legislative calendar for Biden's first year, White House officials have acknowledged that they are at a pivotal moment, with their domestic agenda likely to face even more hurdles next year, when members of Congress shift attention to their re-election bids. The infrastructure bill, which [passed the Senate last month](https://www.nbcnews.com/politics/congress/senate-vote-massive-infrastructure-package-centerpiece-biden-agenda-n1276134), is opposed by dozens of progressive Democratic in the House, who say they want progress on the separate $3.5 trillion measure to fund a range of social safety net programs. But the larger spending bill lacked the 50 votes it needed in the Senate, with Democrats Joe Manchin of West Virginia and Kyrsten Sinema of Arizona coming out in opposition. White House officials said Biden has made significant efforts in recent days to win support from Manchin and Sinema, who met with him separately at the White House on Tuesday for the second time in a week. Top White House officials also met with Sinema on the Hill on Wednesday, while Biden met at the White House that afternoon with Senate Majority Leader Chuck Schumer, D-N.Y., and House Speaker Nancy Pelosi, D-Calif. Fellow Democrats have criticized Biden for not doing more to put pressure on the senators, such as accusing them of threatening to topple his and the party's agendas. Psaki has said Biden, who spent 36 years in the Senate, does not believe that would be effective. "I don't know if you've met many senators. They're not going to be forced to do anything that's not in their interest," Psaki said Wednesday. "His view is we've made some progress. You've seen some members come down. You've seen some members come up. You've seen active negotiations," she said. White House officials in recent days have said that despite the apparent impasse, they believe progress is being made behind the scenes as the various sides continue to talk. Biden canceled a trip to Chicago on Wednesday in part because he felt negotiations were making progress and he needed to stay in Washington to them keep on track, a White House official said.

#### Antitrust reform trades off with other legislative priorities

Carstensen 21, JD and MA @ Yale, Former Chair of U-W Law School, Senior Fellow of the American Antitrust Institute (Peter, “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.

#### Reconciliation solves climate change [it passes now, new priorities tradeoff, it’s humanity’s last shot]

Roberts 8-7-2021, energy reporter, formerly of Vox (David, “Crunch time: this is America's last chance at serious climate policy for a decade,” *Vox*, <https://www.canarymedia.com/articles/climate-policy-crunch-time-we-need-congress-to-pass-a-clean-energy-standard-and-tax-credits/>)

Congress is working on what is likely to be its last big shot at climate change policy for a decade or more. If things go well, the legislation will include a clean energy standard (CES) and clean energy tax credits, which together would revolutionize the US electricity system. If things don’t go well, there will be no substantial climate legislation for many years to come. That’s the only question being decided: Will we get a CES and tax credits, or will we get nothing that will tackle fossil fuels this decade? That’s the binary. It’s time to focus. Looking around, it doesn’t seem like clean energy supporters, climate hawks, or the left more broadly really get that. So let’s talk about why this is such an important moment and what’s at stake. The reconciliation bill is likely the last chance for big federal climate legislation The Democratic approach for a while now has been to proceed along dual tracks. On one track, there’s the bipartisan infrastructure bill, hammered out by a group of just over 20 senators from both parties. On the other track, there’s the budget reconciliation bill, which is meant to contain … everything else in Biden’s agenda. The former needs 60 votes; the latter can pass with 50 Democratic votes. This has always been a fraught and delicate strategy. It could crash and burn in any number of ways. But so far, at least, it is hanging together. The bipartisan group unveiled its bill this week; it is slowly inching toward a vote, though Senate Minority Leader Mitch McConnell (R-Ky.) is doing everything he can to slow it down and gum it up. Twitter avatar for @jsfreed Josh Freed @jsfreed Okay, everyone, we’ve been crunching the BID numbers to see what’s in this deal and how it’ll impact clean energy and climate. Warning, this is a long 🧵 … 1/ seinfeld newman GIF July 29th 2021 176 Retweets497 Likes It contains decent chunks of money for things that will indirectly help clean energy — transmission, demonstration projects, R&D — but it lacks anything that will directly confront fossil fuels in the coming decade, the sine qua non of adequate climate policy. As Robinson Meyer argues in The Atlantic, it is not a climate bill, not really. There’s no guarantee the bipartisan bill will pass, and there’s no way to know how the Senate’s bipartisanship fetishists, Sens. Joe Manchin (D-W.V.) and Kyrsten Sinema (D-Ariz.), will react if it doesn’t. But whether it passes or not, when it comes to decent climate policy, it’s all about the reconciliation bill. There won’t be another bill this big while Democrats control Congress, and they won’t control Congress for long. What Democrats are able to get through in the reconciliation bill is likely to be the last big federal climate legislation for a decade at least. This is the key thing to understand, so I’m going to repeat it: What Democrats are able to get through in the reconciliation bill is likely to be the last big federal climate legislation for a decade at least. (You may be thinking: can’t Democrats do another reconciliation bill next year? Yes, they can, but the midterms will be in full swing, moderates will be feeling even more cowardly than usual, political appetite for big spending will have dried up in the face of a recovering economy, and focus will have turned, hopefully, to voting reform. This one is it.) Absent substantial federal voting reform — which is looking less and less likely, certainly nothing anyone should bet on — all signs point toward Republicans taking back the House in 2022. It’s unclear what will happen in the Senate, but regardless, if the GOP controls either house, no climate legislation will pass (and no voting reform). Republican presidential candidates can win despite larger and larger losses in the popular vote. And the chances of Democrats controlling both houses of Congress again are only getting dimmer. The structural advantages that favor the GOP in the US system are only tilting further in its favor, while the party is actively extending those advantages with a wave of voter-suppression laws at the state level and an accompanying wave of gerrymandering, which alone could win the GOP the House in 2022, even absent any Dem seats being lost. The GOP is protected in this endeavor by a hyper-conservative Supreme Court (which, by the way, could get even more conservative if the disastrously vain Stephen Breyer hangs on until there’s a Republican president again). The conservative movement in the US is attempting to engineer one-party control of US government (along the lines of their new hero, Hungarian autocrat Viktor Orban). There’s no way to know how successful the endeavor will ultimately be, but it’s a pretty good bet, given current trends, that Democrats won’t control the presidency and both houses of Congress at the same time again for a long while. Last time they lost full control (just before a wave of gerrymandering in 2010), it was a decade until they got it back. Twitter avatar for @sarahposner Sarah Posner @sarahposner New, from me, @TPM: That all begins in January 2023 — which makes this year’s reconciliation bill the Democrats’ last big shot at climate and clean energy policy. There are two key clean-energy policies on the table Climate folk are prone to endless policy arguments; everyone has their favorites. But most of those arguments are immaterial right now. Democrats have lined up behind a menu of clean energy policies in line with Biden’s climate plan. What’s on that menu is what might get in the bill. Might. If it’s not on that menu, it’s not going to get in. There’s no carbon tax. There’s no cap-and-dividend. There’s no prohibition on new fossil fuel infrastructure. You may support any and all of those policies, but they are not live options in the reconciliation bill. Right now, political pressure is best aligned behind options that actually are on the menu. Two in particular are immensely important — together, they would be transformative. The first is a Clean Energy Standard that would reduce electricity sector greenhouse gas emissions 80 percent by 2030. (Biden’s plan calls for 100 percent by 2035, but a reconciliation bill can only extend 10 years out.) It’s not actually going to be a standard, per se, because you can’t pass regulatory standards through reconciliation. Instead, it’s going to be a system of fines and payments that will incentivize utilities to increase their proportion of renewable energy to meet the targets. It’s called a clean electricity payment program (CEPP). A CEPP actually has some advantages over the traditional CES’s and renewable portfolio standard (RPSs) commonly seen in states. For one thing, it’s more progressive: the money to drive the transition comes from federal coffers (via taxes on corporations and the wealthy) rather than from electricity rates, which are regressive. If you’re interested in the details of how a reconciliation-friendly CEPP will be structured, see this piece from Ben Storrow and Scott Waldman of E&E, or this thread from Princeton professor Jesse Jenkins: Twitter avatar for @JesseJenkins JesseJenkins @JesseJenkins Broad contours of a Reconciliation-friendly Clean Electricity Standard (CES) are now coming into public view, as House & Senate Dems prepare a $3.5T Budget Resolution that will kick off a Reconciliation process, which permits passage of budget-related measures w/50+ Senate votes. July 15th 2021 1 Retweet16 Likes The end result will be the same as a conventional CES: the US electricity grid will reach 80 percent decarbonization by 2030, which is an achievable but still incredibly ambitious target. As I’ve said so many times, nothing is more important to deep decarbonization than cleaning up the electricity grid. It’s the core of the “electrify everything” strategy. The second is boosted and expanded clean energy tax credits. The investment tax credit (ITC) and production tax credit (PTC), for wind and solar respectively, would be renewed, but various forms of tax credits would also be extended to energy storage, hydrogen, carbon capture, and other key clean energy technologies. (The details are in flux; for a blueprint, see the Senate Finance Committee’s Clean Energy for America Act or the House Ways and Means’ GREEN Act.) Tax credits will provide the supply push; the CEPP will provide the demand pull. The result will be an enormous surge of clean energy projects and jobs. This is the core of good climate policy: pushing fossil fuels off the grid over the next decade and replacing them with zero-carbon energy. There are other good climate provisions on the Democrats’ menu for reconciliation as well. I would love to see a Civilian Climate Corps. I’d love to see more money for public transportation and an electrified postal service fleet. Lots of smaller climate provisions might make it through just by virtue of not drawing much notice, which would be great. But the CEPP and the tax credits are the one-two punch needed to make a real short-term difference in the energy system. And they are on the menu. Manchin is likely to be skeptical of the CEPP. Although carbon capture counts as clean energy under the program, every analyst understands that the practical effect is going to be to ramp up renewables and ramp down fossil fuels on the grid. Manchin doesn’t actually want that. I have no idea if public pressure will have any effect at all on Manchin, but it couldn’t hurt. Might as well try it. The perilous path ahead for reconciliation Everyone on the left is aware that the reconciliation bill is the last big legislative train leaving the station, and every interest group wants a seat on it. Climate policy will be competing with other Democratic priorities. Especially as Sinema and Manchin arbitrarily reduce the total size of the bill, as they surely will, the factions of the party will be fighting it out over a shrinking pie. It is far from a sure thing that the CEPP and tax credits will survive negotiations. It’s all being decided right now. Everyone who cares about US climate progress should put aside their personal projects and preferences for a few weeks and speak in a unified voice. Call your representatives. Push the groups you’re involved to make noise about it. It’s going to be the CEPP and tax credits or nothing big for climate. If both those policies are put in place, it could set the US power system on a new course and strengthen American credibility at the upcoming COP26 international climate meeting. If they slip through the cracks, climate will have to settle for scraps and the US will surrender all hope of meeting its climate targets or influencing others to do the same. For the next few months, this is all that matters. If you’ve ever considered getting involved, now is the time.

#### Warming is existential

Ng ’19 [Yew-Kwang; May 2019; Professor of Economics at Nanyang Technology University, Fellow of the Academy of Social Sciences in Australia and Member of the Advisory Board at the Global Priorities Institute at Oxford University, Ph.D. in Economics from Sydney University; Global Policy, “Keynote: Global Extinction and Animal Welfare: Two Priorities for Effective Altruism,” vol. 10, no. 2, p. 258-266; RP]

Catastrophic climate change

Though by no means certain, CCC causing global extinction is possible due to interrelated factors of non‐linearity, cascading effects, positive feedbacks, multiplicative factors, critical thresholds and tipping points (e.g. Barnosky and Hadly, 2016; Belaia et al., 2017; Buldyrev et al., 2010; Grainger, 2017; Hansen and Sato, 2012; IPCC 2014; Kareiva and Carranza, 2018; Osmond and Klausmeier, 2017; Rothman, 2017; Schuur et al., 2015; Sims and Finnoff, 2016; Van Aalst, 2006).7

A possibly imminent tipping point could be in the form of ‘an abrupt ice sheet collapse [that] could cause a rapid sea level rise’ (Baum et al., 2011, p. 399). There are many avenues for positive feedback in global warming, including:

* the replacement of an ice sea by a liquid ocean surface from melting reduces the reflection and increases the absorption of sunlight, leading to faster warming;
* the drying of forests from warming increases forest fires and the release of more carbon; and
* higher ocean temperatures may lead to the release of methane trapped under the ocean floor, producing runaway global warming.

Though there are also avenues for negative feedback, the scientific consensus is for an overall net positive feedback (Roe and Baker, 2007). Thus, the Global Challenges Foundation (2017, p. 25) concludes, ‘The world is currently completely unprepared to envisage, and even less deal with, the consequences of CCC’.

The threat of sea‐level rising from global warming is well known, but there are also other likely and more imminent threats to the survivability of mankind and other living things. For example, Sherwood and Huber (2010) emphasize the adaptability limit to climate change due to heat stress from high environmental wet‐bulb temperature. They show that ‘even modest global warming could … expose large fractions of the [world] population to unprecedented heat stress’ p. 9552 and that with substantial global warming, ‘the area of land rendered uninhabitable by heat stress would dwarf that affected by rising sea level’ p. 9555, making extinction much more likely and the relatively moderate damages estimated by most integrated assessment models unreliably low.

While imminent extinction is very unlikely and may not come for a long time even under business as usual, the main point is that we cannot rule it out. Annan and Hargreaves (2011, pp. 434–435) may be right that there is ‘an upper 95 per cent probability limit for S [temperature increase] … to lie close to 4°C, and certainly well below 6°C’. However, probabilities of 5 per cent, 0.5 per cent, 0.05 per cent or even 0.005 per cent of excessive warming and the resulting extinction probabilities cannot be ruled out and are unacceptable. Even if there is only a 1 per cent probability that there is a time bomb in the airplane, you probably want to change your flight. Extinction of the whole world is more important to avoid by literally a trillion times.

### 1NC

#### Anti-trust reform is based in free market logics of upholding competition which strengthens free enterprise and saves capitalism.

Parakkal & Bartz-Marvez 13, Raju Parakkal: Assistant Professor of International Relations, Philadelphia University. Sherry Bartz-Marvez: Visiting Assistant Professor, Department of Economics, University of Miami (Capitalism, democratic capitalism, and the pursuit of antitrust laws, *The Antitrust Bulletin*, Vol. 58, No. 4, Winter 2013, DOI: 10.1177/0003603X1305800409)

Antitrust laws have historically been associated with countries that possess a free-market capitalist economy, which is understood as an economic system in which competition and the market forces of demand and supply determine economic outcomes. This historical association between capitalism and antitrust laws is evident from the fact that the countries that first adopted national antitrust laws, such as Canada, the United States, and the countries of Western Europe, are countries that have long embraced a market economy. On the contrary, the statist economies of the erstwhile Soviet bloc and many developing countries, for the most part, did not institute antitrust laws of the type associated with free market economies.

Notwithstanding these country examples, which indicate a positive association between a capitalist economic system and antitrust laws, there exist arguments that both support and oppose antitrust laws for a capitalist economy. Arguments in support of antitrust laws for a capitalist economy begin with the fundamental understanding that the most important ingredient of a capitalist system is market competition. The presence of a competitive market is vital to achieving the efficiency levels that a capitalist economy seeks. Therefore, competitive forces need to be protected to discipline the market players, especially the dominant ones. By preventing and punishing anticompetitive practices by market players, an antitrust law protects and promotes market competition. 1

In the United States, which is commonly understood to be the leading bastion of free-market capitalism and one of the first countries to enact an antitrust law, the role of antitrust legislation in preserving the capitalist character of its economic system is underscored by the near-constitutional status accorded to its antitrust statues by the U.S. Supreme Court. 2 The Court described these statutes as “the Magna Carta of free enterprise” and “as important to the preservation of economic freedom and our free enterprise system as the Bill of Rights is to the protection of our fundamental personal freedoms.”3 Such a sentiment is appropriate, given that the American antitrust law, the Sherman Act, was passed in 1890 to protect economic competition from rapidly-growing “trusts.”4

While the social and political zeitgeist has changed considerably since the passing of the Sherman Act, the fact remains that antitrust is perceived as key to “protecting consumers against anticompetitive conduct that raises prices, reduces output, and hinders innovation and economic growth.”5 Moreover, it is understood that “competition is a public good, and society cannot expect the victims of anticompetitive conduct to protect themselves.”6 The implication therefore is that government power, through the enforcement of antitrust statutes, is critical to reining in corporate power in order to protect economic competition and capitalism.

#### Capitalism causes existential climate change, nuclear war, democratic collapse, extreme inequality, and perpetual exploitation of the global south — try or die for a transition.

Foster 19, Sociology Professor @ Oregon (John Bellamy, February 1st, “Capitalism Has Failed—What Next?” *The Monthly Review*, Volume 70, Issue 9, <https://monthlyreview.org/2019/02/01/capitalism-has-failed-what-next/>, Accessed 06-30-2021)

Less than two decades into the twenty-first century, it is evident that capitalism has failed as a social system. The world is mired in economic stagnation, financialization, and the most extreme inequality in human history, accompanied by mass unemployment and underemployment, precariousness, poverty, hunger, wasted output and lives, and what at this point can only be called a planetary ecological “death spiral.”1 The digital revolution, the greatest technological advance of our time, has rapidly mutated from a promise of free communication and liberated production into new means of surveillance, control, and displacement of the working population. The institutions of liberal democracy are at the point of collapse, while fascism, the rear guard of the capitalist system, is again on the march, along with patriarchy, racism, imperialism, and war.

To say that capitalism is a failed system is not, of course, to suggest that its breakdown and disintegration is imminent.2 It does, however, mean that it has passed from being a historically necessary and creative system at its inception to being a historically unnecessary and destructive one in the present century. Today, more than ever, the world is faced with the epochal choice between “the revolutionary reconstitution of society at large and the common ruin of the contending classes.”3

Indications of this failure of capitalism are everywhere. Stagnation of investment punctuated by bubbles of financial expansion, which then inevitably burst, now characterizes the so-called free market.4 Soaring inequality in income and wealth has its counterpart in the declining material circumstances of a majority of the population. Real wages for most workers in the United States have barely budged in forty years despite steadily rising productivity.5 Work intensity has increased, while work and safety protections on the job have been systematically jettisoned. Unemployment data has become more and more meaningless due to a new institutionalized underemployment in the form of contract labor in the gig economy.6 Unions have been reduced to mere shadows of their former glory as capitalism has asserted totalitarian control over workplaces. With the demise of Soviet-type societies, social democracy in Europe has perished in the new atmosphere of “liberated capitalism.”7

The capture of the surplus value produced by overexploited populations in the poorest regions of the world, via the global labor arbitrage instituted by multinational corporations, is leading to an unprecedented amassing of financial wealth at the center of the world economy and relative poverty in the periphery.8 Around $21 trillion of offshore funds are currently lodged in tax havens on islands mostly in the Caribbean, constituting “the fortified refuge of Big Finance.”9 Technologically driven monopolies resulting from the global-communications revolution, together with the rise to dominance of Wall Street-based financial capital geared to speculative asset creation, have further contributed to the riches of today’s “1 percent.” Forty-two billionaires now enjoy as much wealth as half the world’s population, while the three richest men in the United States—Jeff Bezos, Bill Gates, and Warren Buffett—have more wealth than half the U.S. population.10 In every region of the world, inequality has increased sharply in recent decades.11 The gap in per capita income and wealth between the richest and poorest nations, which has been the dominant trend for centuries, is rapidly widening once again.12 More than 60 percent of the world’s employed population, some two billion people, now work in the impoverished informal sector, forming a massive global proletariat. The global reserve army of labor is some 70 percent larger than the active labor army of formally employed workers.13

Adequate health care, housing, education, and clean water and air are increasingly out of reach for large sections of the population, even in wealthy countries in North America and Europe, while transportation is becoming more difficult in the United States and many other countries due to irrationally high levels of dependency on the automobile and disinvestment in public transportation. Urban structures are more and more characterized by gentrification and segregation, with cities becoming the playthings of the well-to-do while marginalized populations are shunted aside. About half a million people, most of them children, are homeless on any given night in the United States.14 New York City is experiencing a major rat infestation, attributed to warming temperatures, mirroring trends around the world.15

In the United States and other high-income countries, life expectancy is in decline, with a remarkable resurgence of Victorian illnesses related to poverty and exploitation. In Britain, gout, scarlet fever, whooping cough, and even scurvy are now resurgent, along with tuberculosis. With inadequate enforcement of work health and safety regulations, black lung disease has returned with a vengeance in U.S. coal country.16 Overuse of antibiotics, particularly by capitalist agribusiness, is leading to an antibiotic-resistance crisis, with the dangerous growth of superbugs generating increasing numbers of deaths, which by mid–century could surpass annual cancer deaths, prompting the World Health Organization to declare a “global health emergency.”17 These dire conditions, arising from the workings of the system, are consistent with what Frederick Engels, in the Condition of the Working Class in England, called “social murder.”18

At the instigation of giant corporations, philanthrocapitalist foundations, and neoliberal governments, public education has been restructured around corporate-designed testing based on the implementation of robotic common-core standards. This is generating massive databases on the student population, much of which are now being surreptitiously marketed and sold.19 The corporatization and privatization of education is feeding the progressive subordination of children’s needs to the cash nexus of the commodity market. We are thus seeing a dramatic return of Thomas Gradgrind’s and Mr. M’Choakumchild’s crass utilitarian philosophy dramatized in Charles Dickens’s Hard Times: “Facts are alone wanted in life” and “You are never to fancy.”20 Having been reduced to intellectual dungeons, many of the poorest, most racially segregated schools in the United States are mere pipelines for prisons or the military.21

More than two million people in the United States are behind bars, a higher rate of incarceration than any other country in the world, constituting a new Jim Crow. The total population in prison is nearly equal to the number of people in Houston, Texas, the fourth largest U.S. city. African Americans and Latinos make up 56 percent of those incarcerated, while constituting only about 32 percent of the U.S. population. Nearly 50 percent of American adults, and a much higher percentage among African Americans and Native Americans, have an immediate family member who has spent or is currently spending time behind bars. Both black men and Native American men in the United States are nearly three times, Hispanic men nearly two times, more likely to die of police shootings than white men.22 Racial divides are now widening across the entire planet.

Violence against women and the expropriation of their unpaid labor, as well as the higher level of exploitation of their paid labor, are integral to the way in which power is organized in capitalist society—and how it seeks to divide rather than unify the population. More than a third of women worldwide have experienced physical/sexual violence. Women’s bodies, in particular, are objectified, reified, and commodified as part of the normal workings of monopoly-capitalist marketing.23

The mass media-propaganda system, part of the larger corporate matrix, is now merging into a social media-based propaganda system that is more porous and seemingly anarchic, but more universal and more than ever favoring money and power. Utilizing modern marketing and surveillance techniques, which now dominate all digital interactions, vested interests are able to tailor their messages, largely unchecked, to individuals and their social networks, creating concerns about “fake news” on all sides.24 Numerous business entities promising technological manipulation of voters in countries across the world have now surfaced, auctioning off their services to the highest bidders.25 The elimination of net neutrality in the United States means further concentration, centralization, and control over the entire Internet by monopolistic service providers.

Elections are increasingly prey to unregulated “dark money” emanating from the coffers of corporations and the billionaire class. Although presenting itself as the world’s leading democracy, the United States, as Paul Baran and Paul Sweezy stated in Monopoly Capital in 1966, “is democratic in form and plutocratic in content.”26 In the Trump administration, following a long-established tradition, 72 percent of those appointed to the cabinet have come from the higher corporate echelons, while others have been drawn from the military.27

War, engineered by the United States and other major powers at the apex of the system, has become perpetual in strategic oil regions such as the Middle East, and threatens to escalate into a global thermonuclear exchange. During the Obama administration, the United States was engaged in wars/bombings in seven different countries—Afghanistan, Iraq, Syria, Libya, Yemen, Somalia, and Pakistan.28 Torture and assassinations have been reinstituted by Washington as acceptable instruments of war against those now innumerable individuals, group networks, and whole societies that are branded as terrorist. A new Cold War and nuclear arms race is in the making between the United States and Russia, while Washington is seeking to place road blocks to the continued rise of China. The Trump administration has created a new space force as a separate branch of the military in an attempt to ensure U.S. dominance in the militarization of space. Sounding the alarm on the increasing dangers of a nuclear war and of climate destabilization, the distinguished Bulletin of Atomic Scientists moved its doomsday clock in 2018 to two minutes to midnight, the closest since 1953, when it marked the advent of thermonuclear weapons.29

Increasingly severe economic sanctions are being imposed by the United States on countries like Venezuela and Nicaragua, despite their democratic elections—or because of them. Trade and currency wars are being actively promoted by core states, while racist barriers against immigration continue to be erected in Europe and the United States as some 60 million refugees and internally displaced peoples flee devastated environments. Migrant populations worldwide have risen to 250 million, with those residing in high-income countries constituting more than 14 percent of the populations of those countries, up from less than 10 percent in 2000. Meanwhile, ruling circles and wealthy countries seek to wall off islands of power and privilege from the mass of humanity, who are to be left to their fate.30

More than three-quarters of a billion people, over 10 percent of the world population, are chronically malnourished.31 Food stress in the United States keeps climbing, leading to the rapid growth of cheap dollar stores selling poor quality and toxic food. Around forty million Americans, representing one out of eight households, including nearly thirteen million children, are food insecure.32 Subsistence farmers are being pushed off their lands by agribusiness, private capital, and sovereign wealth funds in a global depeasantization process that constitutes the greatest movement of people in history.33 Urban overcrowding and poverty across much of the globe is so severe that one can now reasonably refer to a “planet of slums.”34 Meanwhile, the world housing market is estimated to be worth up to $163 trillion (as compared to the value of gold mined over all recorded history, estimated at $7.5 trillion).35

The Anthropocene epoch, first ushered in by the Great Acceleration of the world economy immediately after the Second World War, has generated enormous rifts in planetary boundaries, extending from climate change to ocean acidification, to the sixth extinction, to disruption of the global nitrogen and phosphorus cycles, to the loss of freshwater, to the disappearance of forests, to widespread toxic-chemical and radioactive pollution.36 It is now estimated that 60 percent of the world’s wildlife vertebrate population (including mammals, reptiles, amphibians, birds, and fish) have been wiped out since 1970, while the worldwide abundance of invertebrates has declined by 45 percent in recent decades.37 What climatologist James Hansen calls the “species exterminations” resulting from accelerating climate change and rapidly shifting climate zones are only compounding this general process of biodiversity loss. Biologists expect that half of all species will be facing extinction by the end of the century.38

If present climate-change trends continue, the “global carbon budget” associated with a 2°C increase in average global temperature will be broken in sixteen years (while a 1.5°C increase in global average temperature—staying beneath which is the key to long-term stabilization of the climate—will be reached in a decade). Earth System scientists warn that the world is now perilously close to a Hothouse Earth, in which catastrophic climate change will be locked in and irreversible.39 The ecological, social, and economic costs to humanity of continuing to increase carbon emissions by 2.0 percent a year as in recent decades (rising in 2018 by 2.7 percent—3.4 percent in the United States), and failing to meet the minimal 3.0 percent annual reductions in emissions currently needed to avoid a catastrophic destabilization of the earth’s energy balance, are simply incalculable.40

Nevertheless, major energy corporations continue to lie about climate change, promoting and bankrolling climate denialism—while admitting the truth in their internal documents. These corporations are working to accelerate the extraction and production of fossil fuels, including the dirtiest, most greenhouse gas-generating varieties, reaping enormous profits in the process. The melting of the Arctic ice from global warming is seen by capital as a new El Dorado, opening up massive additional oil and gas reserves to be exploited without regard to the consequences for the earth’s climate. In response to scientific reports on climate change, Exxon Mobil declared that it intends to extract and sell all of the fossil-fuel reserves at its disposal.41 Energy corporations continue to intervene in climate negotiations to ensure that any agreements to limit carbon emissions are defanged. Capitalist countries across the board are putting the accumulation of wealth for a few above combatting climate destabilization, threatening the very future of humanity.

#### Racial capitalism outweighs — Capitalism necessitates super-exploitation of the Global South, colonial dispossession, militaristic imperialism, and racial hierarchies to sustain itself. The system must be rejected on ethical grounds.

Burden-Stelly 20, Visiting Scholar in the Race and Capitalism Project at the University of Chicago. She is currently an Assistant Professor of Africana Studies and Political Science at Carleton College (Charisse, July 1st, Modern U.S. Racial Capitalism, *The Monthly Review*, Volume 72, Number 3, Available at: [https://monthlyreview.org/2020/07/01/modern-u-s-racial-capitalism/)\*\*\*Footnotes](https://monthlyreview.org/2020/07/01/modern-u-s-racial-capitalism/)***Footnotes) inserted at end of paragraph

Drawing on the intellectual production of twentieth-century Black anticapitalists, I theorize modern U.S. racial capitalism as a racially hierarchical political economy constituting war and militarism, imperialist accumulation, expropriation by domination, and labor superexploitation.14 The racial here specifically refers to Blackness, defined as African descendants’ relationship to the capitalist mode of production—their structural location—and the condition, status, and material realities emanating therefrom.15 It is out of this structural location that the irresolvable contradiction of value minus worth arises. Stated differently, Blackness is a capacious category of surplus value extraction essential to an array of political-economic functions, including accumulation, disaccumulation, debt, planned obsolescence, and absorption of the burdens of economic crises.16 At the same time, Blackness is the quintessential condition of disposability, expendability, and devalorization.

Footnote 14: Another feature of modern U.S. racial capitalism is property by dispossession. In Theft Is Property! Dispossession and Critical Theory, Robert Nichols draws on the experience of Indigenous peoples in the United States, Canada, and New Zealand to theorize how the “system of landed property” was fundamentally predicated on violent dispossession. While the Anglo-derived legal-political regimes differed in these localities, the “intertwined and co-constitutive” material effects converged in the legalized theft of indigenous territory amounting in “approximately 6 percent of the total land on the surface of Earth.” Such dispossession, Nichols notes, is recursive: “In a standard formulation one would assume that ‘property’ is logically, chronologically, and normatively prior to ‘theft.’ However, in this (colonial) context, theft is the mechanism and means by which property is generated: hence its recursivity. Recursive dispossession is effectively a form of property-generating theft.” As such, theft and dispossession, through property regimes, are an ongoing feature of the Indigenous reality of modern U.S. racial capitalism. Robert Nichols, Theft Is Property! Dispossession and Critical Theory (Durham: Duke University Press, 2020), 50–51.

Footnote 15: Borrowing from Karl Marx’s dictum that the labor process is the hidden abode of the capitalist production of value, and Nancy Fraser’s conceptualization of reproduction as the even more hidden abode, or background condition, for the possibility of capitalist production, I understand Blackness as the obfuscated abode. The immense value of Blackness is obscured and rendered unintelligible by its positioning as worthlessness, as something that does not amount to anything—but that does not equal nothing. As a structural location at the intersection of indispensability and disposability, Blackness exceeds the category of race, is not reducible to class, and does not fit the specifications of caste.

My operationalization of capitalism follows Oliver Cromwell Cox’s explication in Capitalism and American Leadership.17 Modern U.S. racial capitalism arose in the context of the First World War, when, as Cox explains, the United States took advantage of the conflict to capture the markets of South America, Asia, and Africa for its “over-expanded capacity.”18 Cox further expounds upon this auspicious moment of ascendant modern U.S. racial capitalism thus:

By 1914, the United States had brought its superb natural resources within reach of intensive exploitation. Under the stimulus of its foreign-trade outlets, the financial assistance of the older capitalist nations, and a flexible system of protective tariffs, the nation developed a magnificent work of transportation and communication so that its mines, factories, and farms became integrated into an effectively producing organism having easy access to its seaports.… [Likewise,] further internal expansion depended upon far greater emphasis on an ever widening foreign commerce.… Major entrepreneurs of the United States proceeded to step up their campaign for expansion abroad. The war accentuated this movement. It accelerated the growth of [modern] American [racial] capitalism and impressed upon its leaders as nothing had before the need for external markets.19

Relatedly, Peter James Hudson argues that the First World War fundamentally changed the terms of order of international finance, allowing New York to compete with London, Paris, and Berlin for the first time in the realm of global banking. This was not least because the Great War “drastically reordered global credit flows,” with the United States transforming from a debtor into a creditor nation.20 In addition to Latin American and Caribbean nations and businesses turning to the United States for financing and credit, domestic saving and investment patterns were altered to the benefit of imperial financial institutions like the City Bank.21

Although the United States is, to use Cox’s terminology, more a “lusty child of an already highly developed capitalism” than an exceptional capitalist power, the nation perfected its techniques of accumulation through its vast natural wealth, large domestic market, imbalance of Northern and Southern economies, and, importantly, through its lack of concern for the political and economic welfare of the overwhelming masses of its population, least of all the descendants of the enslaved.22 Modern U.S. racial capitalism is thus sustained by military expenditure, the maintenance of an extremely low standard of living in “dependent” countries, and the domestic superexploitation of Black toilers and laborers. Cox notes that Black labor has been the “chief human factor” in wealth production; as such, “the dominant economic class has always been at the motivating center of the spreads of racial antagonism. This is to be expected since the economic content of the antagonism, especially at its proliferating source in the South, has been precisely that of labor-capital relations.”23 In a general sense, racial capitalism in the United States constitutes “a peculiar variant of capitalist production” in which Blackness expresses a structural location at the bottom of the labor hierarchy characterized by depressed wages, working conditions, job opportunities, and widespread exclusion from labor unions.24

Furthermore, modern U.S. racial capitalism is rooted in the imbrication of anti-Blackness and antiradicalism. Anti-Blackness describes the reduction of Blackness to a category of abjection and subjection through narrations of absolute biological or cultural difference; ruling-class monopolization of political power; negative and derogatory mass media propaganda; the ascent of discriminatory legislation that maintains and reinscribes inequality, not least various modes of segregation; and social relations in which distrust and antipathy toward those racialized as Black is normalized and in which “interracial mass behavior involving violence assumes a continuously potential danger.”25 Anti-Blackness thus conceals the inherent contradiction of Blackness—value minus worth—obscuring and distorting its structural location by, as Ralph and Singhal remark, contorting it into only a “debilitated condition.”26 Antiradicalism can be understood as the physical and discursive repression and condemnation of anticapitalist and/or left-leaning ideas, politics, practices, and modes of organizing that are construed as subversive, seditious, and otherwise threatening to capitalist society. These include, but are not limited to, internationalism, anti-imperialism, anticolonialism, peace activism, and antisexism.

Anti-Blackness and antiradicalism function as the legitimating architecture of modern U.S. racial capitalism, which includes rationalizing discourses, cultural narratives, technologies of repression, legal structures, and social practices that inform and are informed by racial capitalism’s political economy.27 Throughout the twentieth century, anti-Blackness propelled the “Black Scare,” defined as the specter of racial, social, and economic domination of superior whites by inferior Black populations. Antiradicalism, in turn, was enunciated through the “Red Scare,” understood as the threat of communist takeover, infiltration, and disruption of the American way of life.28 For example, in the 1919 Justice Department Report, Radicalism and Sedition Among the Negroes, As Reflected in Their Publications, it was asserted that the radical antigovernment stance of a certain class of Negroes was manifested in their “ill-governed reaction toward race rioting,” “threat of retaliatory measures in connection with lynching,” open demand for social equality, identification with the Industrial Workers of the World (IWW), and “outspoken advocacy of the Bolshevik or Soviet doctrine.”29

Here, anti-Blackness, articulated through the fear of the “assertion of race consciousness,” was attached to the IWW and Bolshevism—in other words, to anticapitalism—to make it appear even more subversive and dangerous. Likewise, antiradicalism, expressed through the denigration of the IWW and Soviet Doctrine, was made to seem all the more threatening and antithetical to the social order in its linkage with Black insistence on equality and self-defense against racial terrorism. In this way, “defiance and insolently race-centered condemnation of the white race” and “the Negro seeing red” came to be understood as seditious in the context of modern U.S. racial capitalism.

The link between my theory of modern U.S. racial capitalism and Robinson’s catholic theory of racial capitalism, beyond his “suggest[ion] that it was there,” is vivified through the prison abolitionist and scholar Ruth Wilson Gilmore, who writes: “Capitalism…[is] never not racial.… Racial capitalism: a mode of production developed in agriculture, improved by enclosure in the Old World, and captive land and labor in the Americas, perfected in slavery’s time-motion, field factory choreography, its imperative forged on the anvils of imperial war-making monarchs.”30 Racial capitalism, she continues, “requires all kinds of scheming, including hard work by elites and their compradors in the overlapping and interlocking space-economies of the planet’s surface. They build and dismantle and reconfigure states, moving capacity into and out of the public realm. And they think very hard about money on the move.”31 Perhaps more than Gilmore, though, my approach aligns with that of Neville Alexander as described by Hudson.32 Like Alexander, who focused on South Africa, I offer a particularistic understanding of racial capitalism, mine being rooted in the political economy of Blackness and the legitimating architectures of anti-Blackness and antiradicalism in the United States. Gilmore qua Robinson offers a more universalist and transhistorical conception. Like Alexander, my theory of modern U.S. racial capitalism is primarily rooted in (Black) Marxist-Leninists and fellow travelers. This is an important epistemological distinction: whereas Robinson finds Marxism-Leninism to be, at best, inattentive to race, my theory of modern U.S. racial capitalism is rooted in the work of Black freedom fighters who, as Marxist-Leninists, were able to offer potent and enduring analyses and critiques of the conjunctural entanglements of racialism, white supremacy, and anti-Blackness, on the one hand, and capitalist exploitation and class antagonism on the other hand.33

Although Robinson draws on scholars like Fernand Braudel, Henri Pirenne, David Brion Davis, and Eli Heckscher to understand European history, socialist theory, and the European working class, the work of Black Marxists like James Ford, Walter Rodney, Amílcar Cabral, and Paul Robeson offer me those same intellectual, historical, and theoretical resources. Finally, I agree with Alexander that the resolution to racial capitalism is antiracist socialism, not a cultural-metaphysical Black radical tradition.

In what remains of this essay, I will draw on the work of Black Marxist-Leninists and anticapitalists to explicate the defining features of modern U.S. racial capitalism—war and militarism, imperialist accumulation, expropriation by domination, labor superexploitation, and property by dispossession. In this, I demonstrate that their critiques and analyses offer a blueprint for theorizing modern U.S. racial capitalism.

War and militarism facilitate the endless drive for profit. Military conflicts between imperial powers result in the reapportioning of boundaries, possessions, and spheres of influence that often exacerbate racial and spatial economic subjection. War and militarism also perpetuate the endless construction of “threats,” primarily in racialized and socialist states, against which to defend progress, prosperity, freedom, and security. The manufacturing of conflict legitimates the mobilization of extraordinary violence to expropriate untold resources that produce relations of underdevelopment, dependency, extraversion, and disarticulation in the Global South. Moreover, the ruling elite and labor aristocracy in imperialist countries, not least the United States, wage perpetual war to defend their way of life and standard of living against the racialized majority who, because they would benefit most from the redistribution of the world’s wealth and resources, represent a perpetual threat.

#### The alternative is to reject the aff and critically interrogate the neoliberal discourse of the 1AC — resisting capitalist pedagogy in educational spaces is the first step towards a broader movement away from Capitalism; COVID provides a unique transition opportunity.

Giroux 20, McMaster University Professor for Scholarship in the Public Interest and The Paulo Freire Distinguished Scholar in Critical Pedagogy (Henry, June 9th, “Racist Violence Can’t Be Separated from the Violence of Neoliberal Capitalism,” *Truthout*, <https://truthout.org/articles/racist-violence-cant-be-separated-from-the-violence-of-neoliberal-capitalism/>, Accessed 08-24-2021)

As educators, it is crucial for us to examine how we talk, teach, and write about inequality as an object of critique in an age of precarity, uncertainty and the current pandemic crisis. This is especially true at a time when a growing number of authoritarian regimes around the globe substitute replace thoughtful dialogue and critical engagement with the suppression of dissent and a culture of forgetting r. How do we situate our analysis of education as part of a broader discourse and mode of analysis that interrogates the promises, ideals, and claims of a substantive democracy? How do we fight against iniquitous relations of power and wealth that empty power of its emancipatory possibilities, and as Hannah Arendt has argued, “makes most people superfluous as human beings”? How might we understand how neoliberal ideology, with its appropriation of market-based values, regressive notions of freedom and agency, uses language to infiltrate daily life? How does a pandemic pedagogy in the service of neoliberalism produce identities defined by market values, and normalize a notion of responsibility and individuality that convinces people that whatever problem they face they have no one to blame but themselves? Repeated endlessly on right-wing media platforms, the underlying conditions that disproportionately produce chronic illness among poor people of color disappear among a public distracted, if not persuaded, by a pandemic pedagogy that celebrates unchecked self-interest, disdains social responsibility, and turns away from the reality of a society with deep-seated institutional rot and unravelling of social connections and the social contract.

Pandemic pedagogy thrives on inequality and becomes a militarized and heartless normalizing tool to convince the broader public that the lives of the elderly, sick, and vulnerable should be valued according to how much they contribute to the economy. And if they are willing to die in order not to be a drain on the economy, all well and good. Nothing escapes the cruel logic of neoliberalism with its arrogance and hubris on full display as it bathes in the glow of right-wing populism, ultra-nationalism, and neofascism. Its accoutrements of dictatorship are everywhere and can be seen in the swagger of militia that storm state capitals, in police who punch and pepper spray protesters and push elderly men to the ground, and in military forces on the streets without badges reinforcing a climate of fear, repression, and unaccountability. There is more at work here than a lack of humanity on the part of the Trump administration. As the Irish journalist Fintan O’Toole observes, there is also the deepening grip of a culture of cruelty and dehumanization. He writes:

“As a society the American people are being habituated into accepting cruelty on a wide scale. Americans are being taught by Trump and his administration not to see other people as human beings whose lives are as important as their own. Once that line has been crossed – and it is not just Trump and the people around him, but many of Trump’s supporters as well – then we know where that all leads, what the ultimate destination is. There is no mystery about it. We know what happens when a government and its leaders dehumanize large numbers of people.”

Depoliticization and the Authoritarian Turn

Neoliberalism is not only an economic system, it is also an ideological apparatus that relentlessly attempts to structure consciousness, values, desires, and modes of identification in ways that align individuals with its governing structures. Central to this pedagogical project is the attempt to prevent individuals from translating private issues and troubles into broader systemic considerations. By doing this, it becomes difficult for individuals to grasp the historical, social, economic, and political forces at work in shaping a social order as a human activity deeply immersed in specific relations of power. Neoliberalism’s attempt to erase or rewrite historical and social forces makes it difficult for individuals to imagine alternative notions of society, with themselves as collective actors, or view their problems as more than the limitations of faulty character, moral failure, or a problem of personal responsibility. Reducing individuals to isolated, discrete, hermetically-sealed human beings whose lives are shaped only by notions of self-reliance and self-sufficiency is a pedagogical strategy that utterly depoliticizes people, leading them to believe that however a society is shaped, it is part of a natural order. President Trump echoed this “no alternative” narrative when asked about celebrities and rich people having special access to being tested for the coronavirus while few others had access. He replied, “Perhaps that’s been the story of life.”

This individualization of the social with its mounting privatization, gated communities, and social atomization undermines collective action, any viable notion of solidarity, and weakens the notion of global connectivity. The philosopher Byung-Chul Han has rightly argued that contemporary neoliberal society is shaped by a dysfunctional notion of solitude and hermitically-sealed notions of agency, all of which undermine the values and social connections vital to a democracy. He writes:

“Those subject to the neoliberal economy do not constitute a we that is capable of collective action. The mounting egoization and atomization of society is making the space for collective action shrink… The general collapse of the collective and the communal has engulfed it. Solidarity is vanishing. Privatization now reaches into the depths of the soul itself. The erosion of the communal is making all collective efforts more and more unlikely.”

This panoptical nature of hyper-individualism is more aligned with shared fears than shared responsibilities. Under such circumstances, trust and the notion that all life is related become difficult to grasp as the myopic language of private self-interest inures individuals to wider social problems such as extreme inequality. There is no understanding in this discourse of the damage fanatical entrepreneurialism does to our embodied collectivity. Nor is there any value attributed to the important responsibilities, social values, and notion of the common good that exceeds who we are as individuals, or how we have been shaped by diverse social forces in particular ways.

It should be clear that questions of economic and social justice cannot be addressed by a neoliberal pedagogy that enshrines self-interest and privatization while converting every social problem into individualized market solutions or regressive matters of personal responsibility. Under neoliberalism’s disimagination machine, individual responsibility is coupled with an ethos of greed, avarice, and personal gain. One consequence is the tearing up of social solidarities, public values, and an almost pathological disdain for democracy. This radical form of privatization is also a powerful force for the rise of fascist politics because it depoliticizes individuals, immerses them in the logic of social Darwinism, and makes them susceptible to the dehumanization of those considered a threat or disposable.

Just as the spread of the pandemic virus in the United States was not an innocent act of nature, neither is the rise and pervasive grip of inequality. What is clear is that neoliberal support for unbridled individualism has weakened democratic pressures and eroded democracy and equality as governing principles. Moreover, as a mode of public pedagogy, it has undercut social provisions, the social contract, and support for public goods such as education, public health, essential infrastructure, public transportation, and the most basic elements of the welfare state. As a form of pedagogical practice, neoliberalism has morphed into a form of pandemic pedagogy that sacrifices social needs and human life in the name of an economic rationality that values reviving economic growth over human rights. As a lived system of meaning and values, self-reliance and rugged individualism are the only categories available for shaping how individuals view themselves, and their relationship to others and to the planet. The individualization of everyone and the reduction of social problems to private troubles is paralleled by sanctioning a world marked by borders, walls, racism, hate, and a rejection of government intervention in the interest of the common good. Most importantly, neoliberal individualization personalizes power, creating a depoliticized subject whose only obligation as a citizen is defined by consuming and living in a world free from ethical and social responsibilities. In many ways, it does not just empty politics of any substance, it destroys its emancipatory prospects.

The neoliberal strategists use education not only to mask their abuses and the effects of their criminogenic policies, they also – in a time of crisis, when dissatisfaction of the masses might lead to chaos, revolts, and dangerous levels of resistance – move dangerously close to creating the conditions for a fascist politics. The noted theologian Frei Betto is right in stating that under such conditions, “…they cover up the causes of social ills and cover up their effects with ideologies that, by obscuring causes, fuel mood in the face of the effects. That’s why neoliberalism is now showing its authoritarian face – building walls that divide countries and ethnic groups, executive power over legislature and judiciary, disinformation about digital networks, the cult of the homeland, the brazen offensive against human rights.”

Neoliberalism and its regressive notion of individualism and individual responsibility has undermined the belief that human beings both make the world and can change it. The pandemic has ushered in a crisis that undermines that belief and opens the door for rethinking what kind of society and notion of politics will be faithful to the creation of a socialist democracy that speaks to the core values of justice, equality and solidarity. Under such circumstances, private resistance must give way to collective resistance, and personal and political rights must include economic rights. If inequality is to be defeated, the social state must replace the corporate state and social rights must be guaranteed for all. There can be no adequate struggle for economic justice and social equality unless economic inequality on a global level is addressed along with a movement for climate justice, the elimination of systemic racism and a halt to the spiraling militarism that has resulted in endless wars. This can only take place if the anti-democratic ideology of neoliberalism, with its collapse of the public into the private and its institutional structures of domination, are fully addressed and discredited. Étienne Balibar is right in stating that the triumph of neoliberalism has resulted in the “death zones of humanity.” Following Balibar, what must be made clear is that neoliberal capitalism is itself a pandemic and a dangerous harbinger of an updated fascist politics.

Overcoming Pandemic Pedagogy

The kind of societies that will emerge after the pandemic is up for grabs. In some cases, the crisis will give way to authoritarian regimes such as Chile, Hungary and Turkey, all of which have used the urgency of COVID-19 as an excuse to impose more state control and surveillance, squelch dissent, eliminate civil liberties and concentrate power in the hands of an authoritarian political class. As is well documented, history in a time of crisis also has the potential to change dominant ideologies, rethink the meaning of governance, and enlarge the sphere of justice and equality through a vision that fights for a more generous and inclusive politics. It is crucial to rethink the project of politics in order to imagine forms of resistance that are collective, inclusive and global, capable of producing new democratic arrangements for social life, more radical values and a “global economy which will no longer be at the mercy of market mechanisms.” This is a politics that must move beyond siloed identities and fractured political factions in order to build transnational solidarities in the service of an alternative radically democratic society. Making the pedagogical more political means challenging those forms of pandemic pedagogy that turn politics into theater, a favorite tactic of Trump. In this case, the performance works to suspend disbelief, hold power accountable and unravel one’s sense of critical agency. Pandemic pedagogy does more than undermine critical thinking and informed judgments, it dissolves the line between the truth and lies, fantasy and reality, and in doing so, destroys the foundation for understanding, engaging and promoting that social and economic justice. The endgame under the rubric of a pandemic pedagogy is not simply the destruction of the truth, but the elimination of democracy itself.

Central to developing an alternative democratic vision is development of a language that refuses to look away and be commodified. Such a language should be able to break through the continuity and consensus of common sense and appeals to the natural order of things. At stake here is the need to reclaim both critical and redemptive elements of a radical democracy in order to address the full spectrum of violence that structures institutions and everyday life in the United States. This is a language connected to the acquisition of civic literacy, and it demands a different regime of desires and identifications to enable us to move from “shock and stunned silence toward a coherent visceral speech, one as strong as the force that is charging at us.”

Of course, there is more at stake here than a struggle over meaning; there is also the struggle over power, over the need to create a formative culture that will produce informed critical agents who will fight for and contribute to a broad social movement that will translate meaning into a fierce struggle for economic, political and social justice. Agency in this sense must be connected to a notion of possibility and education in the service of radical change. Reimagining the future only becomes meaningful when it is rooted in a fierce struggle against the horrors and totalitarian practices of a pandemic pedagogy that falsely claims that it exists outside of history.

Václav Havel, the late Czech political dissident-turned-politician, once argued that politics follows culture, by which he meant that changing consciousness is the first step toward building mass movements of resistance. What is crucial here in the age of multiple crises is a thorough grasp of the notion that critical and engaged forms of agency are a product of emancipatory education. Moreover, at the heart of any viable notion of politics is the recognition that politics begins with attempts to change the way people think, act and feel with respect to both how they view themselves and their relations to others. There is more to agency than the neoliberal emphasis on the “empire of the self,” with its unchecked belief in the virtues of a form of self-interest that despises the bonds of sociality, solidarity and community.

The U.S. is in the midst of a political and pedagogical crisis. This is a crisis defined not only by a brutalizing racism and massive inequality, but also a constitutional crisis produced by a growing authoritarianism that has been in the making for some time. The recent attacks by the police on journalists, peaceful protesters and even elderly people marching for racial justice echoes the violence of the Brownshirts in the 1930s. Let’s stop the futile debate about whether or not the U.S. is in the midst of a fascist state and shift the register to the more serious question of how to resist it and restore a semblance of real democracy.

Under such circumstances, education should be viewed as central to politics, and it plays a crucial role in producing informed judgments, actions, morality and social responsibility at the forefront not only of agency, but politics itself. In this scenario, truth and politics mutually inform each other to erupt in a pedagogical awakening at the moment when the rules are broken. Taking risks becomes a necessity, self-reflection narrates its capacity for critically engaged agency and thinking the impossible is not an option, but a necessity. Without an informed and educated citizenry, democracy can lead to tyranny, even fascism.

Trump represents the malignant presence of a fascism that never dies and is ready to remerge at different times in different context in sometimes not-so-recognizable forms. The COVID-19 crisis and the pandemic of inequality and racism have revealed elements of a fascist politics that are more than abstractions. The struggle against a fascist politics is now visible in the rebellions taking place across the United States. While there are no political guarantees for a victory, there is a new sense that the future can be changed in the image of a just and sustainable society. There is a new energy for reform taking place in the aftermath of the killing of George Floyd. Massive protests for racial, economic and social justice are emerging all over the globe. As I have argued in The Terror of the Unforeseen, at stake here is the need for these protests to transition from a pedagogical moment and collective outburst of moral anger to a progressive international movement that is well organized and unified. Such a movement must build solidarity among different groups, imagine new forms of social life, make the impossible possible, and produce a revolutionary project in defense of equality, social justice and popular sovereignty. The racial, class, ecological and public health crisis facing the globe can only be understood as part of a comprehensive crisis of the totality. Immediate solutions such as defunding the police and improving community services are important, but they do not deal with the larger issue of eliminating a neoliberal system structured in massive racial and economic inequalities. David Harvey is right in arguing that the “immediate task is nothing more nor less than the self-conscious construction of a new political framework for approaching the question of inequality, through a deep and profound critique of our economic and social system.” This is a crisis in which different threads of oppression must be understood as part of the general crisis of capitalism. The various protests now evolving internationally at the popular level offer the promise of new global anti-fascist and anti-capitalist movements. In the current moment, democracy may be under a severe threat and appear frighteningly vulnerable, but with young people and others rising up across the globe — inspired, energized and marching in the streets — the future of a radical democracy is waiting to breathe again.

### 1NC

#### T-Congress

#### Expand requires a “change in the law”

Hatter 90 (HATTER, District Judge. Opinion in In re Eastport Associates, 114 BR 686 - Dist. Court, CD California 1990. Google scholar caselaw. Date accessed 7/12/21)

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

#### That’s change must be a material modification of the language of the statute

Iowa Supreme Court 4 (CADY, Justice. Opinion in State v. Truesdell, 679 NW 2d 611 - Iowa: Supreme Court 2004. Google scholar caselaw, date accessed 9/13/21)

Generally, a material modification of the language of a statute gives rise to "a presumption that a change in the law was intended." Midwest Auto. III, LLC v. Iowa Dep't of Transp., 646 N.W.2d 417, 425 (Iowa 2002); see 1A Norman J. Singer, Statutes and Statutory Construction § 22.1, at 240-41 (6th ed.2002). The existence of this presumption is enhanced "when the amendment follows a contrary... judicial interpretation of an unambiguous statute." Midwest Auto. III, LLC, 646 N.W.2d at 425.

#### Antitrust laws are statutes

Kalbfleisch 61(KALBFLEISCH, District Judge. Opinion in Paul M. Harrod Company v. AB Dick Company, 194 F. Supp. 502 - Dist. Court, ND Ohio 1961. Google scholar caselaw, date accessed 9/11/21)

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.

#### Violation---the aff isn’t Congress.

#### VOTE NEG:

#### First---Ground---Congressional change guarantees core DAs like horse-trading and politics, and have link uniqueness because of decades of Congressional inertia.

#### Second---Functional Limits---forces aff to have a comparative solvency advocate, which constrains aff choice. It’s try-or-die for an agential constraint because the topic is bidirectional and unlimited.

### 1NC

#### FTC will litigate health mergers now.

Levine 8-25-2021, master’s degree from the Columbia University Graduate School of Journalism and a bachelor of arts in English from the University of Pennsylvania. She is also an alumna of the Fellowships at Auschwitz for the Study of Professional Ethics, a program in Germany and Poland that explores the ethics of reporting on politics, war and genocide (Alexandra, “How Biden's tech trustbuster could change health care,” *Politico*, <https://www.politico.com/newsletters/future-pulse/2021/08/25/how-bidens-tech-trustbuster-could-change-health-care-797333>)

Lina Khan’s Federal Trade Commission has its eyes on health care. The agency known for efforts to rein in Big Tech companies like Facebook and Amazon is also enmeshed in high-stakes health care and health tech battles that extend well beyond Silicon Valley. Case in point: The FTC trial that kicked off yesterday examining monopoly concerns in the market for cancer screening technology. (More on that below.) That closely watched antitrust case — involving the giant Illumina and startup Grail — predates Khan’s confirmation as FTC chair. But it underscores how health issues are looming over the agenda, particularly heading into the pandemic's second year. The way health care companies and consumer health apps handle sensitive data “is an area that I'm sure [Khan’s] very, very interested in,” said Jessica Rich, former director of the FTC’s consumer protection bureau, adding that the Biden administration's FTC will also be closely scrutinizing hospital mergers. “I expect her and the commission to take a very bold approach to what constitutes harm for both,” Rich said. “I expect her to pay close attention to algorithms and potential discrimination in health care, both denials and pricing issues which the FTC's laws can address.” The FTC’s jurisdiction touches nearly the entire health economy. While its competition bureau looks at health care mergers like the Illumina-Grail deal, its consumer protection side is focused on health privacy and data security issues, as well as fighting bogus medical claims on everything from weight loss to Covid cures. When Congress passed the Covid-19 Consumer Protection Act last year, the agency was granted new authority to police Covid scams. Although Khan hasn't spoken publicly about her health care agenda, she's likely to take issue with health apps and companies whose business models maximize, incentivize and monetize data collection. Of particular concern is how firms disclose what they’re doing with consumers’ data — and whether it may still be deceptive or unfair.

#### Resources are finite---plan draws from merger litigation.

McCabe 18, covers technology policy from The Times' Washington bureau, formerly of Axios (David, “Mergers are spiking, but antitrust cop funding isn't,” Axios, https://www.axios.com/antitrust-doj-ftc-funding-2f69ed8c-b486-4a08-ab57-d3535ae43b52.html)

The number of corporate mergers has jumped in recent years, but funding has stagnated for the federal agencies that are supposed to make sure the deals won’t harm consumers. Why it matters: A wave of mega-mergers touching many facets of daily life, from T-Mobile’s merger with Sprint to CVS’s purchase of Aetna, will test the Justice Department's and Federal Trade Commission’s ability to examine smaller or more novel cases, antitrust experts say. What they’re saying: “You have finite resources in terms of people power, so if you are spending all of your time litigating big mergers … there might be some investigations where decisions might have to be made about which investigations you can pursue,” said Caroline Holland, who was a senior staffer in DOJ’s Antitrust Division under President Obama and is now a Mozilla fellow. What's happening: More mergers are underway now than at any point since the recession. The total number of transactions reported to the federal government in fiscal year 2017, and not including cases given expedited approval or where the agencies couldn't legally pursue an investigation, is 82% higher than the number reported in 2010 and 55% higher than the number reported in 2012. Funding for antitrust officials who weigh the deals hasn’t kept pace. The funding for the Department of Justice’s antitrust division has fallen 10% since 2010, when adjusted for inflation. That's in line with the broader picture: not adjusting for inflation, the Department's overall budget increased just slightly in 2016 and 2017. Funding for the FTC has fallen 5% since 2010 (adjusted for inflation). An FTC spokesperson declined to comment on funding levels and Antitrust Division officials didn't provide a comment. Driving the news: Merger and acquisition activity is up 36% in the United States compared to the same time last year, according to Thomson Reuters data from April. Several deals under government review have gotten national attention, including Sinclair’s purchase of Tribune's TV stations or T-Mobile’s deal with Sprint, which stands to reduce the number of national wireless providers from four to three. Meanwhile, the Justice Department is awaiting the ruling on its lengthy legal effort to block AT&T’s proposed $85 billion purchase of Time Warner. Yes, but: It’s not the attention-grabbing mega-mergers that advocates worry will get less of a close look thanks to a shortage of funds. Instead, some say budget limitations are likely to matter when officials are deciding which smaller or "borderline" deals to investigate further. “Sometimes there’s nothing there,” said Holland of the agency's early investigations. “Other times, it might be, ‘This is kind of a close call, and we’ve got three or four close calls and we need to pick one of them.’" "It could mean settlements get accepted that otherwise wouldn’t, or deals that should be challenged aren’t," said Michael Kades of the Washington Center for Equitable Growth, an antitrust-enforcement-friendly think tank that has done extensive research on the topic, in an email.

#### Health consolidation collapses rural care

Numerof 20, PhD @ Bryn Mawr, internationally recognized consultant and author with over 25 years of experience in the field of strategy development and execution, business model design, and market analysis (Rita, “Covid-Induced Hospital Consolidation: What Are The Impacts On Consumers, And Potentially The President,” *Forbes*, <https://www.forbes.com/sites/ritanumerof/2020/11/11/covid-induced-hospital-consolidation-what-are-the-impacts-on-consumers-and-potentially-the-president/?sh=692d6fc94da0>)

Covid-19 has initiated yet another wave: A wave of hospital mergers and acquisitions that will have devastating consequences for public health if industry doesn’t soon execute an about-face. Whether because they’re on the brink of bankruptcy and have subscribed to the half-truth that size is protective, or because they think they can score some good deals and believe scale and success are synonymous, the financial fallout of Covid-19 has caused many hospital executives to make consolidation a core part of their future plans. With the intent of increasing care quality and decreasing consumer costs despite these challenging times, the merger between Shannon Medical Center and Community Hospital and partnership between Intermountain and Sanford Health are just two examples. There are multiple reasons why consumers absolutely cannot afford for industry to bulk up in an effort to weather this storm. The first is that the positive efforts executives claim consolidation will help them accomplish often prove to be futile. Research shows that wherever market concentration is high, there are also higher prices for both consumers and the employers who provide their healthcare coverage. In the absence of competition, costs increase and quality deteriorates. That’s the opposite of progress. Second, generally speaking, the union of two institutions with operational shortcomings only creates one larger institution with even more operational shortcomings! That’s not progress either. Third, Covid-induced consolidation will only make future progress many times more difficult. The larger an organization is, the more it will struggle to rapidly adapt to healthcare disruptions like we’re seeing today. Retail giants like Walmart, Walgreens, Amazon and CVS are pivoting to cater to healthcare consumer demands for affordability and accessibility. Right now, they’re still a blip on the radar relative to mainstream healthcare delivery, but they are looking to eventually corner the market and drive the industry forward. And as they continue down this path, consolidated healthcare systems will be left behind, potentially at the expense of the consumers in that area. The potential impact of continued consolidation on rural patients is especially concerning. Rural communities may have a limited number of the big-box retailers mentioned above. And the unfortunate fact of the matter is that when a larger hospital or health system purchases a smaller, rural hospital, it’s usually only a matter of time before the purchasing system realizes that unless they drastically pare down and reconfigure operations, the acquired hospital will never be profitable. Many eventually decide to close up shop, in some instances reducing or even eliminating rural patients’ options for care delivery. In the absolute worst-case scenario, this is exactly the reality all consumers could face if consolidation continues at its current pace. In theory and if left unchecked, all of the hospitals in the United States could be owned by only a handful of mammoth systems that then lack incentive to continually deliver quality services at lower total cost of care.

#### Rural care is key to US ag exports

Lichtenwald 16, CEO of Medsphere Systems Corporation (Irv, “Is CMS Efforts Enough to Transform Rural Healthcare?,” <http://hitconsultant.net/2016/02/22/32016/>)

The scenario is far from unrealistic. For the most part, non-urban healthcare organizations are not doing well. In fact, almost every rural hospital in the country is operating near the margin or in the red. According to iVantage Health Analytics Senior Vice President Michal Topchik, speaking to Health Data Management, 67 rural hospitals have closed since 2010, and 283 were vulnerable to closure last year. Already in 2016 iVantage has identified 673 vulnerable rural hospitals, with 210 at very high risk. While only about 15 percent of the American population, roughly 46 million people, live in rural areas, they do some of the nation’s most essential work. Mostly, they grow food, produce energy or provide services to the people that grow food and produce energy. Obviously, the rural healthcare situation matters in terms of food and energy security at home, but also in terms of economics—the United States is by far the largest global exporter of food, with roughly $40 billion separating America from number two, and is on the cusp of ending energy imports for the first time since 1950. In reality, rural healthcare is transitioning, not disappearing, mostly because doing nothing is just bad economics. People in rural areas need care. If they can’t get it locally, they have to be flown to the nearest facility, which ends up being more expensive over the long term than funding a local hospital. To their credit, the Centers for Medicare and Medicaid Services (CMS) are already aware of the situation in rural America and have been taking steps toward fixing it. Speaking recently to the National Rural Health Association, CMS Acting Administrator Andy Slavitt explained that the agency is “establishing a CMS Rural Health Council to work across the entire agency to oversee our work in three strategic priority areas– first, improving access to care to all Americans in rural settings; second, supporting the unique economics of providing health care in rural America; and third making sure the health care innovation agenda appropriately fits rural health care markets.” As Slavitt points out, rural Americans tend to be older, earn less money and they generally lack health insurance—more than 60 percent of citizens without health insurance live in rural areas in states that have not expanded Medicaid through the Affordable Care Act. Nearly 75 percent of government health insurance exchange users make less than 250 percent of the federal poverty level—currently a bit less than $12,000 a year for an individual and slightly more than $24,000 for a family of four. So, if the argument could be made that rural America is home to the greatest number of healthcare challenges, then it also represents the greatest opportunity. If we can make affordable healthcare work outside urban areas, we may have a template applicable to other scenarios. On Slavitt’s first two points—access and economics—CMS is working to sign rural Americans up for health insurance and adjusting requirements and payment models for rural care. Which brings us to the “innovation agenda,” Slavitt’s term for the digitization of healthcare and the all-in bet the federal government has made on the benefits of health IT. The goal here is to transform rural hospitals and clinics into efficient, wired, lean operations that can absorb the realities of rural care and still operate in the black. With 35 percent of rural hospitals losing money and almost two-thirds running a negative operating margin, there’s simply no way rural facilities can invest in health IT without help. From CMS, that help takes the form of several planned or in-process programs: – Medicaid State Innovation Model grants for technical support in smaller rural hospitals – Aggregation of services in rural communities creating benefits from population health – The Frontier Community Health Integration Project (summer 2016), developing and testing new models in isolated areas using telemedicine and integration approaches – The ACO investment model for hospitals that can’t invest in ACO infrastructure; the model now serves 350,000 rural beneficiaries through 1,100 rural providers – Incorporating telemedicine where appropriate; CMS is publishing a Medicaid final rule that for the first time allows for face-to-face encounters using telehealth It’s clear that CMS understands we can’t leave rural hospitals to fend for themselves. But it also seems clear that a lot of hospitals invested in electronic health records (EHRs) they could ill afford to qualify for Meaningful Use funds—dollars that seldom covered implementation costs for solutions that didn’t yield significant cost savings and required additional technical personnel. By and large, that MU money has been dispensed. The carrot has been eaten. What Medicare- and Medicaid-heavy hospitals can expect next is two sticks: more stringent reporting requirements necessitating EHR use and direct penalties (for now) related to Meaningful Use non-compliance. “The high capital and operating costs associated with health IT, specifically EHRs, have put some hospitals in a difficult position,” wrote Becker’s Hospital CFO in a prescient January 2014 article. “Do they absorb the financial hit now, even if they know they can’t afford it? Most organizations are doing so …” Yes, CMS is trying to help lessen the impact of that metaphorical beating, but these rural hospitals also have to make decisions to help themselves. Too many are paying for systems they can’t afford to maintain. Moreover, they are unable to invest in necessary security, leaving them increasingly open to data breaches. Many are also still handicapped by the costs of ICD-10 transition, for which there was no federal reimbursement. Rural hospitals need a comprehensive EHR platform that integrates with a revenue cycle system so they can properly capture charges and manage the billing process, and effectively collect on previously lost billing. These systems need to be available as a subscription service so that rural hospitals don’t have to come up with huge money down. And they can’t require the hiring of an additional 50 application specialists to make the new systems work. “The benefits of IT are still to come,” Standard and Poor’s Marin Arrick told Becker’s Hospital CFO more than two years ago. Still the economic crisis in rural care rages on, certainly lessening access to care for millions of Americans and arguably impacting the labor force that produces food, energy, etc.

#### US ag exports prevent hotspot escalation

Castellaw 17

Lieutenant General John Castellaw is the Founder and CEO of Farmspace Systems LLC, a provider of precision agricultural aerial services and equipment. He is a highly decorated 36-year veteran of the United States Marine Corp where he participated in and led several humanitarian operations in Africa, Asia and Europe. He is also the former President of the non-profit Crockett Policy Institute where he created the “SOLDIER 2 CIVILIAN” program to help veterans find jobs in precession agriculture. He graduated from the University of Tennessee, Martin (UTM) with a degree in Agriculture. He currently operates his family farm in Tennessee. “Opinion: Food Security Strategy Is Essential to Our National Security.” Agri-Pulse. May 1st, 2017. https://www.agri-pulse.com/articles/9203-opinion-food-security-strategy-is-essential-to-our-national-security

The United States faces many threats to our National Security. These threats include continuing wars with extremist elements such as ISIS and potential wars with rogue state North Korea or regional nuclear power Iran. The heated economic and diplomatic competition with Russia and a surging China could spiral out of control. Concurrently, we face threats to our future security posed by growing civil strife, famine, and refugee and migration challenges which create incubators for extremist and anti-American government factions. Our response cannot be one dimensional but instead must be a nuanced and comprehensive National Security Strategy combining all elements of National Power including a Food Security Strategy. An American Food Security Strategy is an imperative factor in reducing the multiple threats impacting our National wellbeing. Recent history has shown that reliable food supplies and stable prices produce more stable and secure countries. Conversely, food insecurity, particularly in poorer countries, can lead to instability, unrest, and violence. Food insecurity drives mass migration around the world from the Middle East, to Africa, to Southeast Asia, destabilizing neighboring populations, generating conflicts, and threatening our own security by disrupting our economic, military, and diplomatic relationships. Food system shocks from extreme food-price volatility can be correlated with protests and riots. Food price related protests toppled governments in Haiti and Madagascar in 2007 and 2008. In 2010 and in 2011, food prices and grievances related to food policy were one of the major drivers of the Arab Spring uprisings. Repeatedly, history has taught us that a strong agricultural sector is an unquestionable requirement for inclusive and sustainable growth, broad-based development progress, and long-term stability. The impact can be remarkable and far reaching. Rising income, in addition to reducing the opportunities for an upsurge in extremism, leads to changes in diet, producing demand for more diverse and nutritious foods provided, in many cases, from American farmers and ranchers. Emerging markets currently purchase 20 percent of U.S. agriculture exports and that figure is expected to grow as populations boom. Moving early to ensure stability in strategically significant regions requires long term planning and a disciplined, thoughtful strategy. To combat current threats and work to prevent future ones, our national leadership must employ the entire spectrum of our power including diplomatic, economic, and cultural elements. The best means to prevent future chaos and the resulting instability is positive engagement addressing the causes of instability before it occurs. This is not rocket science. We know where the instability is most likely to occur. The world population will grow by 2.5 billion people by 2050. Unfortunately, this massive population boom is projected to occur primarily in the most fragile and food insecure countries. This alarming math is not just about total numbers. Projections show that the greatest increase is in the age groups most vulnerable to extremism. There are currently 200 million people in Africa between the ages of 15 and 24, with that number expected to double in the next 30 years. Already, 60% of the unemployed in Africa are young people. Too often these situations deteriorate into shooting wars requiring the deployment of our military forces. We should be continually mindful that the price we pay for committing military forces is measured in our most precious national resource, the blood of those who serve. For those who live in rural America, this has a disproportionate impact. Fully 40% of those who serve in our military come from the farms, ranches, and non-urban communities that make up only 16% of our population. Actions taken now to increase agricultural sector jobs can provide economic opportunity and stability for those unemployed youths while helping to feed people. A recent report by the Chicago Council on Global Affairs identifies agriculture development as the core essential for providing greater food security, economic growth, and population well-being. Our active support for food security, including agriculture development, has helped stabilize key regions over the past 60 years. A robust food security strategy, as a part of our overall security strategy, can mitigate the growth of terrorism, build important relationships, and support continued American economic and agricultural prosperity while materially contributing to our Nation’s and the world’s security.

## Adv 1

### 1NC Plantext

#### In the plantext: “adopt” doesn’t mean or encompass ‘enforce’—the aff solves nothing

Morath 21 (MIKE MORATH, COMMISSIONER OF EDUCATION. OPINION In ANDREW SHANE EMERINE, Petitioner, v. NECHES INDEPENDENT SCHOOL DISTRICT, Respondent. DOCKET NO. 028-R10-02-2021, 2021 TX EDUC. AGENCY LEXIS 19. July 14, 2021. Lexis accessed online via KU Libraries, date accessed 9/22/21)

Further, Texas Education Code § 26.011(a) is a provision that protects parents; it requires a grievance procedure for violations of parents' rights under Chapter 26. Chapter 26 concerns parents' rights, not teachers' rights. [\*9] Only parents have the standing to allege a violation of chapter 26. A teacher cannot defeat a parent's complaint against him or her by showing that the district did not follow its complaint process. Petitioner lacks standing to make his Texas Education Code § 26.011(a) claim. Additionally, as the Commissioner has held in Parents v. Socorro Independent School District, Docket No. 039-R10-05-2020 (Comm'r Educ. 2020), adoption and enforcement are distinct concepts; a requirement to adopt a policy is not violated by alleged improper enforcement of that policy. The term "adopt" does not mean or encompass the term "enforce." When the Legislature wishes a body to adopt and enforce a policy it says so. 4

### 1NC Rule-making

#### The aff’s rulemaking fails and gets quashed by the courts

Werden 8/15 (Greg Werden is the former Senior Economic Counsel, Antitrust Division, U.S. Department of Justice, “Can the FTC Turn Back the Clock?” forthcoming in ABA Antitrust Section, Antitrust online, <https://papers.ssrn.com/sol3/papers.cfm?abstract_id=3909851>, Date Written: August 15, 2021, thanks to y2k)

In an earlier article, Ms. Khan had suggested that the FTC could use its rulemaking power to preclude the owners of Internet platforms from doing business on their own platforms.61 Based on her work on the October 2020 report issued by the House Subcommittee on Antitrust, Commercial and Administrative Law,62 she might be contemplating a rulemaking to declare selfpreferencing an unfair method of competition when done by a dominant Internet platform. The fundamental problem the FTC would confront is that no two of the potentially dominant platforms are alike. What self-preferencing means differs across platforms, as does its impact, so any specific self-preferencing remedies should be the product of adjudicative proceedings. Chair Khan will have to move expeditiously if the Supreme Court is to review her initiatives while she remains chair. The Court likely would be unanimous in holding that harm to competition must be what makes a practice an unfair method of competition, 63 and it might be prepared to hold the FTC unconstitutional,64 so Ms. Khan should take care. All Chair Khan should ask from the courts is reasonable leeway on proof of harm to competition, especially as to likelihood and immediacy. And the Department of Justice should have just as much leeway because the Sherman Act directed the Attorney General to institute proceedings to “prevent” violations. 65 Chair Khan’s writings before becoming chairman place her in the vanguard of a populist movement advocating radical reform, but a radical agenda as FTC Chair could be stymied by the courts. The best approach is likely to be incremental change through fact-based FTC decisions focused on competitive effects.

### 1NC Platforms

#### Even if the aff leads to Big Tech break-up, that causes a crop of 30 new megacompanies, but fails to spur meaningful change

**Karabell 20** (Zachary Karabell– PhD from Harvard, Head of Global Strategies at Envestnet financial services firm., 1-23-20,"Don't Break Up Big Tech," Wired, <https://www.wired.com/story/dont-break-up-big-tech/> )

Now imagine each of the Big Tech giants gets disassembled in this way. We might end up with a landscape of 30 companies instead of half a dozen. A quintupling of industry players would, by definition, create a more competitive field. But competition in the antitrust framework, stretching back to the original Sherman Anti-Trust Bill in 1890 and then subsequent legislation such as the Clayton Bill in 1914, is not a virtue or need in and of itself. It is the means to a set of ends—namely, “economic liberty,” unfettered trade, lower prices, and better services for consumers. By itself, competition does not guarantee anything.

Meanwhile, it’s hard to see how going from six companies to 30 would give consumers any more choice of services or more control over their data, or how it would help to nurture small businesses and lower costs to consumers and society. Perhaps there would be openings for companies with different business models, ones that brand themselves as valuing privacy and empowering individual ownership of data. This can’t be ruled out, but the nature of data selling and data mining is so embedded in the current models of most IT companies that it is very hard to see how such businesses could thrive unless they charged more to consumers than consumers have so far been willing to pay. In the meantime, the 30 new megacompanies would still have immense competitive advantages over smaller startups.

### 1NC-Decoupling Now

#### No 2021 ev on the advantage is telling: since Sitaraman wrote, decoupling has happened specifically due to tech transfers

Romero 7/27 (Rudy Romero-author of the Business Class column @ Manila Standard. “US companies are leaving China” , <https://manilastandard.net/opinion/columns/business-class-by-rudy-romero/360760/us-companies-are-leaving-china.html> , July 27, 2021, date accessed 10/1/21)

A case in point is the ongoing contest for world leadership between the biggest geopolitical elephants, the United States and China. Naturally, this contest between the world’s No.1 and No.2 economic powers has extended to the field of business, with the US accusing China of engaging in unfair and unethical business practices, including currency manipulation, lack of regulatory transparency, and appropriation of intellectual property rights. US President Joe Biden declared recently that the US will never allow China to overtake America and become the world’s No.1 economic power.

The conflict between their government and the Chinese government has placed in a very difficult situation the dozens of major American companies operating in China. But even before the intensification of the conflict, corporate America had become unhappy with the regulatory environment in Beijing. In particular, they were very unhappy with the Chinese government policy that requires foreign companies to make available the technology underlying their Chinese operations. Washington took up the complaint and made the technology-transfer requirement the centerpiece issue of its campaign against Chinese economic policy. Needless to say, the pushback against the technology-transfer requirement has been strongest among companies belonging to America’s Big Tech community, especially Apple, Microsoft, Intel, Dell, and Bose.

But it is not only the Big Tech companies that have been chafing at China’s regulatory requirements. Consumer-oriented companies like Whirlpool, Skechers, and Hasbro have also been making their displeasure known to both the Chinese and the American government.

### 1NC---!D---Economy

#### No correlation between economic decline and war.

Walt 20, Robert and Renée Belfer professor of international relations at Harvard University. (Stephen M., 5/13/20, “Will a Global Depression Trigger Another World War?”, *Foreign Policy*, https://foreignpolicy.com/2020/05/13/coronavirus-pandemic-depression-economy-world-war/)

On balance, however, I do not think that even the extraordinary economic conditions we are witnessing today are going to have much impact on the likelihood of war. Why? First of all, if depressions were a powerful cause of war, there would be a lot more of the latter. To take one example, the United States has suffered 40 or more recessions since the country was founded, yet it has fought perhaps 20 interstate wars, most of them unrelated to the state of the economy. To paraphrase the economist Paul Samuelson’s famous quip about the stock market, if recessions were a powerful cause of war, they would have predicted “nine out of the last five (or fewer).”   
Second, states do not start wars unless they believe they will win a quick and relatively cheap victory. As John Mearsheimer showed in his classic book Conventional Deterrence, national leaders avoid war when they are convinced it will be long, bloody, costly, and uncertain. To choose war, political leaders have to convince themselves they can either win a quick, cheap, and decisive victory or achieve some limited objective at low cost. Europe went to war in 1914 with each side believing it would win a rapid and easy victory, and Nazi Germany developed the strategy of blitzkrieg in order to subdue its foes as quickly and cheaply as possible. Iraq attacked Iran in 1980 because Saddam believed the Islamic Republic was in disarray and would be easy to defeat, and George W. Bush invaded Iraq in 2003 convinced the war would be short, successful, and pay for itself.

The fact that each of these leaders miscalculated badly does not alter the main point: No matter what a country’s economic condition might be, its leaders will not go to war unless they think they can do so quickly, cheaply, and with a reasonable probability of success.

Third, and most important, the primary motivation for most wars is the desire for security, not economic gain. For this reason, the odds of war increase when states believe the long-term balance of power may be shifting against them, when they are convinced that adversaries are unalterably hostile and cannot be accommodated, and when they are confident they can reverse the unfavorable trends and establish a secure position if they act now. The historian A.J.P. Taylor once observed that “every war between Great Powers [between 1848 and 1918] … started as a preventive war, not as a war of conquest,” and that remains true of most wars fought since then.

The bottom line: Economic conditions (i.e., a depression) may affect the broader political environment in which decisions for war or peace are made, but they are only one factor among many and rarely the most significant. Even if the COVID-19 pandemic has large, lasting, and negative effects on the world economy—as seems quite likely—it is not likely to affect the probability of war very much, especially in the short term.

## Adv 2

### 1NC Framing

#### No reverse causal evidence that indicates US action is sufficient—most of the advantage is about non-US actions domestically

### 1NC Turn

#### TURN: Local antitrust enforcement is preferable to the plan—their author

1AC Johannsen & Gonzalez ’21 [German; PhD Candidate and LLM @ Max Planck Institute for Innovation and Competition; and Andrés; LLM and Chilean Competition Law Compliance Officer; “Digital Platforms & Economic Dependence in Chile Any Room for Competition Theories of Harm without Dominance?”; <https://law.haifa.ac.il/images/ASCOLA16/GJAG.pdf>; 15 June 2021; originally AS]

5. Conclusion

Given the different economic realities (and problems) developing countries face vis-a-vis developed economies, law regimes should not be transplanted from one jurisdiction to another, without careful consideration of those differences. In the case of competition law, the different realities may drive competition law regimes to consider goals that escape the orthodoxy of the consumer welfare standard, for instance, non-welfare ones. Considering that the goals of a competition law regime shape their interpretation and enforcement, it is important to clarify what would these non-welfare goals entail.

The challenges that digital markets pose to competition law offers an opportunity to address this issue, due to the emergence of new theories of harm in which traditional rules and tests may be outdated. Specifically, it raises the question of whether a non-dominant undertaking could incur in an anticompetitive infringement and how different jurisdictions are prepared to deal with those issues. Moreover, as discussed along this paper, the scope of competition goals defined by each jurisdiction according to its own socioeconomic reality —in the case of Chile, a middle-income developing country— may be crucial to answer whether this jurisdiction is well equipped to face the referred challenges.

In our opinion, in the Chilean jurisdiction it is feasible to open up digital markets in the context of free competition in order to study possible anti-competitive effects of abuses of economic dependence in which dominance is not yet possible to prove. On the one hand, the TDLC's own jurisprudence has ruled in this sense in cases where the risks of anticompetitive effects are not as marked as in digital markets. On the other hand, this interpretation is consistent with the competition goals recognized by Chilean Courts in terms of safeguarding the freedom to compete and the competitive process. Naturally, this entails difficulties in balancing the risks of an anticompetitive effect. The most obvious one is that the dominance rule cannot be used as a differentiating element. On the other hand, it is not a hypothesis built on the basis of an effect that can be proven, but only on a probability of occurrence. This brings up the question about which benchmark to use in these cases.

Regarding intermediary digital platforms, their own economic rationality leads their behaviour to be aimed at achieving dominant power and, therefore, foreclosing the market to competition. In other words, many of their commercial relationships with suppliers and users contribute to this end, as they tend to increase network externalities and switching costs. However, the mere fact that the platform economy favours the monopolisation of markets would not be sufficient evidence to justify a sanction for infringement of free competition, according to current evidentiary standards (it is merely a structural element). In this context, it is essential to distinguish which conducts —from those with objective aptitude to foreclose the market— are objectionable to competition.

One criterion for differentiating between lawful and unlawful scenarios could be based on the type of conduct. This would require, however, a methodological refocusing when analysing unilateral conducts with anticompetitive potential. First, it should be determined whether economic dependence relationships exist. If so, secondly, it should be analysed the objective aptitude for the platform to reach a dominant position and, therefore, to foreclose the market. If such aptitude exists, thirdly, it should be determined whether the conduct is unfair. If it is considered unfair, it would be appropriate to declare the conduct as anticompetitive. By not relying on the dominance rule, such an analysis would not only be useful for cases of platforms that are not yet dominant, but also for those cases where they are dominant, but it is complex to prove it.

In the second scenario we explored —dependency-based exploitative conduct— things are less clear though. While the broad wording of Art. 3 generic and the recognition of equal access to markets as a goal of Chilean Competition Law grant an opening to try this theory of harm, the Chilean Competition Authorities are still far from considering this approach. In addition, given that currently Chilean Unfair Competition Law (Law 20.169) includes as unfair commercial practices the abusive conduct to the detriment of suppliers, it is unlikely that a potential plaintiff will use the TDLC to obtain relief. Moreover, Law 20.169 expressly states that in case of a guilty verdict, all backgrounds and documents of the case must be sent to the FNE in order to assess if it is necessary (in light of the gravity of the conduct) to initiate a proceeding before the TDLC. Therefore, the dominant litigation strategy regarding dependency-based exploitative conducts is the civil action contained in Law 20.169.

In the years to come it will be necessary to see to what extent the competition authorities —both the FNE and the TDLC— will adapt to the new challenges that the digital world brings for the well-functioning of markets. It is important to recognise that such challenges are of not only a technical nature, but ultimately opens up the question of competition goals. Globally, there is pressure to establish market rules that effectively limit the excessive economic power that a few players in the digital economy have achieved. In the case of Chile —as in Latin America— it should borne in mind that it is still a developing country with high levels of inequality. A pure efficiency-oriented approach normally does not provide solutions to these socio-economic issues. Therefore, a broader perspective is needed.

Introducing more explicit fairness-oriented elements in the competition assessment —e.g. due to an explicit protection of small and medium enterprises in the digital platforms context, as well as proposing new rules allowing to address anticompetitive conducts irrespective of the dominance rule seems a good way to update competition law to make it a system that promotes social welfare and not just the welfare of a privileged few. In this regard, new lines of investigations that —considering the economic reality and needs of developing countries— are aimed at reviewing the normative goals of competition law may shed light on the properness and readiness of those jurisdictions to address the challenges that the digital era brings for competition, especially in relation to increasing economic inequalities. Considering the above, perhaps developing countries' competition law regimes can even be better equipped to face these new challenges than the developed country legal regime, at least from a normative perspective, for two reasons: first, in these countries there may be a trend toward recognizing broader fairness-oriented competition goals; second, as Professor Fox argues108, developing countries do not have the path dependence that makes it harder for traditional competition jurisdictions —the US and the EU— to take new legislative routes.

### 1NC Enforcement Abroad

#### US enforcement abroad fails—jurisdictional clashes

Bradshaw et al 17 (Ben Bradshaw is a partner and Julia Schiller a counsel in the Washington, DC office of O’Melveny & Myers LLP, Remi Moncel is an associate in O’Melveny’s San Francisco office, "International Comity in the Enforcement of U.S. Antitrust Law in the Wake of in Re Vitamin C," Antitrust 31, no. 2 (Spring 2017): 87-93)

Having found that Chinese law required defendants to violate U.S. antitrust law, the Second Circuit went on to consider whether the remaining factors in the Timberlane/ Mannington Mills balancing test weighed in favor of dismissal. The court concluded that they did.32 Of particular note, the court found that while the plaintiffs may have been unable to obtain a Sherman Act remedy in another forum, complaints as to China’s export policies could be adequately addressed through diplomatic channels and the World Trade Organization, of which both the United States and China are members.33 The court found it significant that there was no evidence that the defendants acted with the express purpose or intent to affect U.S. commerce or harm businesses in particular. Moreover, the regulations at issue were intended to assist China in its transition from a staterun economy and to remain a competitive participant in the global Vitamin C market.34 Finally, the court recognized that according to MOFCOM the exercise of jurisdiction had already negatively affected U.S.-China relations, and it would be unlikely that the injunctive relief obtained by the plaintiffs in the district court would be enforceable in China, just as a similar injunction issued in China against a U.S. company would be difficult to enforce in the United States.35 Upon consideration of all of these factors, the court concluded that exercising jurisdiction was inappropriate and dismissed the case.

### 1NC Other Countries

#### Platform alt causes---countries other than the US dominates

Kwet 20 (Michael Kwet is a Visiting Fellow of the Information Society Project at Yale Law School, A Digital Tech New Deal to break up Big Tech, 10-26, <https://www.aljazeera.com/opinions/2020/10/26/a-digital-tech-new-deal-to-break-up-big-tech>, thanks to y2k)

After “restoring competition” to the tech economy, those who will dominate as “new market entrants” on the “open” internet will still be companies from richer countries: the US, European powers, China, etc, not low-income countries like Zimbabwe, Bolivia or Cambodia. And within low-income countries, the well-resourced classes will capture any new market opportunities that an antitrust push in the US may open.

### 1NC---!D---LIO

#### No LIO impact---it’s a myth.

Staniland 18, Associate Professor of Political Science and Chair of the Committee on International Relations at the University of Chicago. (Paul, 7/29/18, “Misreading the “Liberal Order”: Why We Need New Thinking in American Foreign Policy”, *Lawfare*; https://www.lawfareblog.com/misreading-liberal-order-why-we-need-new-thinking-american-foreign-policy)

Pushing back against Trump’s foreign policy is an important goal. But moving forward requires a more serious analysis than claiming that the “liberal international order” was the centerpiece of past U.S. foreign-policy successes, and thus should be again. Both claims are flawed. We need to understand the limits of the liberal international order, where it previously failed to deliver benefits, and why it offers little guidance for many contemporary questions.

First, advocates of the order tend to skim past the policies pursued under the liberal order that have not worked. These mistakes need to be directly confronted to do better in the future.

Proponents of the order, however, often present a narrow and highly selective reading of history that ignores much of the coercion, violence, and instability that accompanied post-war history. Problematic outcomes are treated as either aberrant exceptions or as not truly characterizing the order. One recent defense of the liberal order by prominent liberal institutionalists Daniel Deudney and G. John Ikenberry, for instance, does not mention Iraq, Afghanistan, Vietnam, or Libya. Professors Stephen Chaudoin, Helen Milner, and Dustin Tingley herald the order’s “support for freedom, democracy, human rights, a free press.” Kori Schake writes that Western democracies’ wars are “about enlarging the perimeter of security and prosperity, expanding and consolidating the liberal order.” Historian Hal Brands argues that the order has advocated “political liberalism in the form of representative government and human rights; and other liberal concepts, such as nonaggression, self-determination, and the peaceful settlement of disputes.”

Other analysts have persuasively argued that these accounts create an “imagined” picture of post-World War II history. Patrick Porter outlines in detail how coercive, violent, and hypocritical U.S. foreign policy has often been. To the extent an international liberal order ever actually existed beyond a small cluster of countries, writes Nick Danforth, it was recent and short-lived. Thomas Meaney and Stephen Wertheim further argue that “critics exaggerate Mr. Trump’s abnormality,” situating him within a long history of the pursuit of American self-interest. Graham Allison—no bomb-throwing radical—has recently written that the order was a “myth” and that credit for the lack of great power war should instead go to nuclear deterrence. Coercion and disregard for both allies and political liberalism have been entirely compatible with the “liberal” order.

The last two decades have been a bumpy ride for U.S. foreign policy. Since 9/11, we have seen the disintegration of Syria, Yemen, and Libya, a war without end in Afghanistan, the collapse of the Arab Spring, the rise and resurgence of the Islamic State, and the distinctly mixed success of strategies aimed at managing China’s rise. At home, the growth of a national-security state has placed remarkable power in the hands of Donald Trump. Simply returning to the old order is no guarantee of good results. Grappling openly with failure and self-inflicted wounds—while also acknowledging clear benefits of the order—is essential for moving beyond self-congratulatory platitudes.

# 2NC

## K

### Overview — 2NC

#### You should actively flip the script

Jackson 12, Professor of Peace Studies and the Director of the National Peace and Conflict Studies Centre at the University of Otago, New Zealand (Richard, August 5th, “The Great Con of National Security,” <https://richardjacksonterrorismblog.wordpress.com/2012/08/05/the-great-con-of-national-security/>, Accessed 09-22-2021)

It may have once been the case that being attacked by another country was a major threat to the lives of ordinary people. It may also be true that there are still some pretty serious dangers out there associated with the spread of nuclear weapons. For the most part, however, most of what you’ve been told about national security and all the big threats which can supposedly kill you is one big con designed to distract you from the things that can really hurt you, such as the poverty, inequality and structural violence of capitalism, global warming, and the manufacture and proliferation of weapons – among others.

The facts are simple and irrefutable: you’re far more likely to die from lack of health care provision than you are from terrorism; from stress and overwork than Iranian or North Korean nuclear missiles; from lack of road safety than from illegal immigrants; from mental illness and suicide than from computer hackers; from domestic violence than from asylum seekers; from the misuse of legal medicines and alcohol abuse than from international drug lords. And yet, politicians and the servile media spend most of their time talking about the threats posed by terrorism, immigration, asylum seekers, the international drug trade, the nuclear programmes of Iran and North Korea, computer hackers, animal rights activism, the threat of China, and a host of other issues which are all about as equally unlikely to affect the health and well-being of you and your family. Along with this obsessive and perennial discussion of so-called ‘national security issues’, the state spends truly vast sums on security measures which have virtually no impact on the actual risk of dying from these threats, and then engages in massive displays of ‘security theatre’ designed to show just how seriously the state takes these threats – such as the x-ray machines and security measures in every public building, surveillance cameras everywhere, missile launchers in urban areas, drones in Afghanistan, armed police in airports, and a thousand other things. This display is meant to convince you that these threats are really, really serious.

And while all this is going on, the rulers of society are hoping that you won’t notice that increasing social and economic inequality in society leads to increased ill health for a growing underclass; that suicide and crime always rise when unemployment rises; that workplaces remain highly dangerous and kill and maim hundreds of people per year; that there are preventable diseases which plague the poorer sections of society; that domestic violence kills and injures thousands of women and children annually; and that globally, poverty and preventable disease kills tens of millions of people needlessly every year. In other words, they are hoping that you won’t notice how much structural violence there is in the world.

More than this, they are hoping that you won’t notice that while literally trillions of dollars are spent on military weapons, foreign wars and security theatre (which also arguably do nothing to make any us any safer, and may even make us marginally less safe), that domestic violence programmes struggle to provide even minimal support for women and children at risk of serious harm from their partners; that underfunded mental health programmes mean long waiting lists to receive basic care for at-risk individuals; that drug and alcohol rehabilitation programmes lack the funding to match the demand for help; that welfare measures aimed at reducing inequality have been inadequate for decades; that health and safety measures at many workplaces remain insufficiently resourced; and that measures to tackle global warming and developing alternative energy remain hopelessly inadequate.

Of course, none of this is surprising. Politicians are a part of the system; they don’t want to change it. For them, all the insecurity, death and ill-health caused by capitalist inequality are a price worth paying to keep the basic social structures as they are. A more egalitarian society based on equality, solidarity, and other non-materialist values would not suit their interests, or the special interests of the lobby groups they are indebted to. It is also true that dealing with economic and social inequality, improving public health, changing international structures of inequality, restructuring the military-industrial complex, and making the necessary economic and political changes to deal with global warming will be extremely difficult and will require long-term commitment and determination. For politicians looking towards the next election, it is clearly much easier to paint immigrants as a threat to social order or pontificate about the ongoing danger of terrorists. It is also more exciting for the media than stories about how poor people and people of colour are discriminated against and suffer worse health as a consequence.

Viewed from this vantage point, national security is one massive confidence trick – misdirection on an epic scale. Its primary function is to distract you from the structures and inequalities in society which are the real threat to the health and wellbeing of you and your family, and to convince you to be permanently afraid so that you will acquiesce to all the security measures which keep you under state control and keep the military-industrial complex ticking along.

#### It’s a better frame

Kaczmarek 17 – Patrick Kaczmarek, PhD at the University of Glasgow, a Senior Researcher at Effective Giving, Visiting Researcher at the Future of Humanity Institute at the University of Oxford and a Visiting Scholar at the Department of Philosophy at the University of Pittsburgh. [How Much is Rule-Consequentialism Really Willing to Give Up to Save the Future of Humanity? Utilitas, 29(2), https://www.cambridge.org/core/journals/utilitas/article/how-much-is-ruleconsequentialism-really-willing-to-give-up-to-save-the-future-of-humanity/F867301151A79F7DA566A14DF71749B3]//BPS

Notice, the problem can be cast two different ways. First, the loss associated with humanity's premature extinction is so great that even if the probability of a catastrophic event is very low, an expected value calculation suggests that we should strive to prevent its possible occurrence. And yet, there is something deeply puzzling about ruining the lives of all actual persons for the sake of humanity eking out a longer stay in the universe.

Second, you may have realized that the above implication bears close resemblance to the dreaded Repugnant Conclusion. The Repugnant Conclusion states that for any population, all with a very high quality of life, there must be some larger imaginable population whose existence, all else being equal, would be better despite their lives being barely worth living.19The mistake, as countless critics have noted, is that quantity (that is, size of population) should not be able to compensate for a stark reduction to their average quality of life.

I'm inclined to agree that this looks worrisome. For some, if this were the end of the story, it would surely act as a reductio ad absurdum of the view. But this is not the full story.

AN INDIRECT APPROACH TO LOWERING THE THREAT OF EXTINCTION

In setting out our earlier comparison of the two populations it was assumed that only costs go up, never benefits. That is to say, A was fixed and the total sum of goods went up merely because the size of the population grew, despite internalization costs reducing average quality of life. Colouring in the picture, this corresponds to the scenario where, all else being equal, existential threats are directly targeted. To illustrate, this could amount to putting a lot of resources towards asteroid deflection programmes.20

I now wish to argue that we could instead reduce existential risk by indirect means, and in so doing make the world in two ways go better. As noted earlier, we would prolong humanity's place in the cosmos. Furthermore, an indirect approach improves the average welfare of persons, particularly the worse-off in our population.

Certainly, it would be a mistake to concentrate exclusively on indirectly lowering the probability of doomsday. Returning to our earlier example, reducing global poverty cannot prevent an Earth-bound asteroid the size of Texas from making impact. Nevertheless, if we were also to adopt an indirect approach, then this would contribute to existential risk reduction by curbing the negative ripple effects of readily preventable illnesses, global hunger, and so forth.

Ripple effects are a class of phenomena that affect the far future in significant ways, shaping how our history unfolds over time.21A ripple effect is initiated by a particular event that has some causal influence on the course of events that follow it. These events, in turn, may have their own impact on how further events play out. And so on it goes, reaching wider and wider as time passes.

#### Accumulation outweighs extinction under UTIL

Povinelli 19 (Elizabeth A. prof of anthrology at Columbia. The Urban Intensions of Geontopower)

Thegreat cities of Europe are technological condensations and displacements of countless despoiled and depopulated spaces—what have become the rural and wasteland areas along and beyond their peripheries. The minerals dug out of Congo, South Africa, Australia, and Canada went somewhere. In other words, they are not merely accumulation of an abstraction (surplus value) or a double abstraction (surplus value of surplus value), but a material redistribution and transformation: the shapes of European cities that were taken from colonized landscapes and the tailings of toxins, the rivers of poison, and the mountains of mudslides engulfing entire communities that came with them. As Europeans crossed and recrossed the globe pulling out what they needed and leaving what was superfluous to them behind, it created a new hegemonic order of things: an emergent andexploitative **western classification of existence**, or in other words, what was what and how each related to each other. The hegemonic force of this order of things was secreted in the emerging routes such that things could be used and moved only if they appeared as one kind of thing. **These different logics of use and abuse certainly included what was grievable, what was killable, and what could be destroyed in order to enhance someone else somewhere else.** If you are the subject of capitalist extraction (which everyone is but not qualitatively or quantitatively equally) and you wish to eke out an existence, then the everyday ethical, social, and political hierarchies and differences of things have to be treated as if their materialities do not matter. At this point in time, the dynamic of colonial and postcolonial accumulation seems much messier than promised by the crisp dialectics of Hegel and Marx and out of which Césaire and Fanon originally built their critique. **Accumulation has less the look of a precisely rendered logic and more of a harvesting machine worthy of science fiction: a massive earth-destroying Death Star ripping and gutting a million worlds and then returning to re-ravage them as many times as it can find new forms of extracting profit from existence** (or in the language of capitalist disavowal, “creative destruction”). The wheels of the machine do not go forward, they go backward, side-to-side, and around-and-around. Capitalism as such emerged from a mad circle of primitive accumulation: scraping value out of the bodies of enslaved west Africans, pulling nutrients from Caribbean soil, and casting gunpowder recipes from Chinese knowledge.7 But this primitive accumulation, Glen Coulthard has argued, depended on an originary accumulation of Native American lands—a Caribbean rid of Caribs, an American South without the Caddo, Seminole, Catawba, Cherokee, Shawnee and hundreds of others. Coulthard insist that David Harvey’s understanding of capitalism as accumulation by dispossession depended on an initial dispossession.8 Forward into visions of semiotechno-capitalist solutions and industrial climate toxicity: as TJ Demos, Bron Szerszinsky, and others have discussed, numerous such liberal, neoliberal, and libertarian geo-engineering projects figure the anthropos “as ultimate self-creator, for whom no challenge—climate change, agricultural failure, artificial intelligence, planetary hunger, even death and extinction—will be beyond technological overcoming, especially when matched to Silicon Valley capital.”9 Lifted up, lifted out, anthropos was claimed to be different from and superior to all other forms of existence. But this anthropos is not Man. It is a toxic imaginary brewed out of specific colonial and capitalist sociality. **Great cities rose from the smolder; and within these cities new topologies of glistening paving stones and stinking alleyways. As human and nonhuman worlds were ripped from one place to produce wealth in another, the great harvester would return, digging deeper into previously ravaged spaces,** this time with imperial and corporate armies to reorganize “free” African labor for mines, plantations, and the construction of new megalopolises in the global south. The interior contours of these new cities have been understood and documented ever since Engels’s The Condition of the Working Class in England, continuing on through Mike Davis’s The Planet of Slums. Likewise, countless studies have detailed the dynamics that drain human and nonhuman materials and values from outside the city, accelerating the process by which urban centers grow and rural areas become vast reservoirs of toxicity. **This is what Du Bois saw: material and social space being bent to distortedly sculpt routes and worlds, including the means of connecting by differentiating between the urban and rural and the city and its slum. Human and nonhuman existence was forced into specific forms as the condition for movement** (what roads demanded; ocean-ways allowed; undersea cables provided; low-earth, mid-earth, and geostationary space satellite networks oversaw). **The conditions of existence in one place stretched way beyond its location**, but in ways that seemed disfigured only to some. (Rising rents in renewed American cities condemn the precariat to lives lived on buses commuting to low wage work from new suburban ghettos.) But this idea that toxicity could be kept at a distance was always a fantasy. This fantasy has now been punctured. The toxic waterways they sealed far away from their view or right below their own feet are now overflowing. Critical indigenous theory has long argued that **colonialism did not merely destroy people and their lands, but attempted to destroy myriad non-Western understandings of the irreducible entanglement of human and nonhuman existences** that challenge the toxic imaginary of colonial and capitalist extraction. In colonial conditions, the bargain between colonial invaders and indigenous peoples was never for either your goods or your life, but was always both your modes of life and your goods. Thus, at the heart of Coulthard’s analysis of originary dispossession is this aspect of the harvesting machine: If we base our understanding of originary dispossession from an indigenous standpoint, it’s the theft not only of the material of land itself, but also a destruction of the social relationships that existed prior to capitalism violently sedimenting itself on indigenous territories. And those social relations are often not only based on principles of egalitarianism but also deep reciprocity between people and with the other-than-human world.10 Countless deeply reflexive practices of how one belongs across and in existence were disrupted, dug up, and run over as Europeans went southward and westward to make their cities, neighborhoods, and livelihoods. Coulthard is not arguing that settler colonialism burnt these worlds down to their root, nor that the effect of this destruction flowed in only one direction. Rather, the harm had different forms and temporalities. The gangrene took root in colonizers as soon as they began treating the Americas as something to be conquered, but the gangrene was slow-acting. They could postpone the effects of the poisons they were creating by moving away from or exporting the poisons they wrought. At some point there would be no further, no behind, no over there. Today may be that day. Peer down into the gutters, follow the flows of water, of metals, and the pollutants they carry and disperse.

### Framework — 2NC (1:30)

#### Economics is racialized and violent- vote neg even if they seemingly win impact turns

Spriggs 20, Economist @ Howard University (William, June 9th, “A teachable moment? Will George Floyd’s death spur change in economics?” *Minneapolis Fed*, <https://www.minneapolisfed.org/article/2020/a-teachable-moment-will-george-floyds-death-spur-change-in-economics>, Accessed 09-13-2021)

Modern economics has a deep and painful set of roots that too few economists acknowledge. The founding leadership of the American Economic Association deeply and fervently provided “scientific” succor to the American eugenicists’ movement. Their concept of race and human interaction was based on the “racial” superiority of White, Anglo-Saxon Protestants. And they launched modern economics with a definition of race that fully incorporated the assumed superiority of that group and bought into a notion of race as an exogenous variable. The overwhelming majority of explorations of racial disparities in economic outcomes remains deeply tied to that view of race as an exogenous variable. In the hands of far too many economists, it remains with the assumption that African Americans are inferior until proven otherwise. And, in this regard, it places economists alone outside the mainstream of all other American social sciences. It is the constant micro-aggression that African American economists endure at every meeting, and in reading every paper, and in reading every reviewer’s comments.

Economists play a key role in shaping policy. We are viewed as the objective scientists, with the tools to identify solutions; presumably absent “passion.” But if you start with a model that has race as exogenous, racial differences cannot be objectively approached. The model begins with a fallacy that assumes racial differences as a natural order. It biases the model, because there is a built-in excuse for disparities that cannot be solved. And, invariably, in the overwhelming case of economic analysis, assumes that there is something “deficient” about Black people.

Hopefully, more economists will accept the ugly reality that passively accepting that view leads to the ugly incidents of police misconduct we all observed. It is a form of “othering” that reduces the pain inflicted on someone because of decisions that are made. And it excuses the decision maker from responsibility at best or absolves them of guilt for the consequences at worst. Too many economists are great at excusing themselves when policies they propose exacerbate racial disadvantages because of that world view.

### AT: Cap Solves War

#### Capitalism causes endless warfare and imperial violence.

Robinson, 20 is Professor of Sociology, University of California at Santa Barbara. (WILLIAM I. ROBINSON “Militarised accumulation: the global war economy” accessed online 9/16/2021 <https://arena.org.au/global-capitalist-crisis-deadlier-than-coronavirus-part-ii/>)

Militarised accumulation: the global war economy Beyond financial speculation, debt-driven growth, and pillaging state finances, the transnational capitalist class (TCC) turned to another mechanism to sustain accumulation in the face of stagnation, what I have termed militarised accumulation. Savage global inequalities are politically explosive and to the extent that the system is simply unable to reverse them or to incorporate surplus humanity it turns to ever more violent forms of containment to manage immiserated populations. As popular discontent has spread in recent years, the dominant groups have imposed systems of mass social control, repression and warfare—from mass incarceration to deadly new modalities of policing and omnipresent systems of state and private surveillance—to contain the actual and the potential rebellion of the global working class and surplus humanity. Militarised accumulation refers to how the global economy is becoming ever more dependent on the development and deployment of systems of warfare, social control and repression, apart from political considerations, simply as a means of making profit and continuing to accumulate capital in the face of stagnation. As the crisis intensifies, militarised accumulation may take over as prime driver of the global economy. The so-called wars on drugs and terrorism, the undeclared wars on immigrants, refugees and gangs (and poor, dark-skinned and working-class youth more generally), the construction of border walls, immigration detention centres, prison-industrial complexes and systems of mass surveillance, and the spread of private security-guard and mercenary companies have all become major sources of profit-making and they will become more important to the system as economic depression sets in. The events of September 11, 2001, marked the start of an era of permanent global war in which logistics, warfare, intelligence, repression, surveillance and even military personnel are more and more the privatised domain of transnational capital. Criminalisation of surplus humanity activates state-sanctioned repression, opening up new profit-making opportunities for the TCC. The Pentagon budget increased 91 per cent in real terms between 1998 and 2011, while worldwide, total defence outlays grew by 50 per cent from 2006 to 2015, from $1.4 trillion to $2.03 trillion, some 3 per cent of gross world product, although this figure does not take into account hundreds of billions of dollars in ‘homeland security’ spending. In the decade from 2001 to 2011 military-industry profits nearly quadrupled. Led by the United States as the predominant world power, military expansion in different countries has taken place through parallel, and often conflictive, processes, yet all show the same relationship between state militarisation and global capital accumulation. But militarised accumulation involves vastly more than activities generated by state military budgets. There are immense sums involved in state spending and private corporate accumulation through militarisation and other forms of generating profit through repressive social control that do not involve militarisation per se. The various wars, conflicts, and campaigns of social control and repression around the world involve the fusion of private accumulation with state militarisation. In this relationship, the state facilitates the expansion of opportunities for private capital to accumulate through militarisation, such as by facilitating global weapons sales by military-industrial-security firms, the amounts of which have reached unprecedented levels. Global weapons sales by the top 100 weapons manufacturers and military service companies increased by 38 per cent between 2002 and 2016. Private military and security firms have proliferated worldwide and their deployment is not limited to the major conflict zones in the Middle East, South Asia and Africa. In his study Corporate Warriors, P. W. Singer documents how private military forces (PMFs) have come to play an ever more central role in military conflicts and wars. Beyond the many based in the United States, PMFs come from numerous countries around the world, including Russia, South Africa, Colombia, Mexico, India, the EU countries and Israel. PMF clients include states, corporations, landowners, non-governmental organisations, and even the Colombian and Mexican drug cartels. By 2018, private military companies employed some 15 million people around the world, deploying forces to guard corporate property, provide personal security for TCC executives and their families, collect data, conduct police, paramilitary, counterinsurgency and surveillance operations, carry out mass crowd control and repression of protesters, manage prisons, run private detention and interrogation facilities, and participate in outright warfare. In addition, there were an outstanding 20 million private security workers worldwide in 2017, and the industry was expected to be worth over $220 billion by 2020. In half of the world’s countries, private security agents outnumber police officers. Meanwhile, criminalisation of the poor, the racially oppressed, immigrants, refugees and other vulnerable communities activates ‘legitimate’ state repression to enforce the accumulation of capital, whereby the state turns to private capital to carry out the repression of those criminalised. There has been a rapid increase in imprisonment in countries around the world, led by the United States, which has been exporting its own system of mass incarceration. The global prison population grew by 24 per cent from 2000 to 2018. This carceral state opens up enormous opportunities at multiple levels for militarised accumulation. Worldwide there were in the early twenty-first century some 200 privately operated prisons on all continents and many more ‘public–private partnerships’ that involved privatised prison services and other forms of for-profit custodial services such as privatised electronic-monitoring programs. The countries that were developing private prisons ranged from most member states of the EU to Israel, Russia, Thailand, Hong Kong, South Africa, New Zealand, Ecuador, Australia, Costa Rica, Chile, Peru, Brazil and Canada. Every phase in the war on migrants and refugees has become a wellspring of profit-making, from private, for-profit detention centres and the provision of services inside public detention centres such as healthcare, food and phone systems to other ancillary activities of the deportation regime, such as government contracting of private charter flights to ferry deportees back home and the equipping of armies of border agents. In the United States, the border-security industry was set to double in value, from $305 billion in 2011 to some $740 billion in 2023. In Europe, the budget for the EU public–private border-security agency, Frontex, increased a whopping 3688 per cent between 2005 and 2016, while the European border-security market was expected to nearly double, from some $18 billion in 2015 to approximately $34 billion in 2022. When the health emergency comes to an end we may be left with a global economy even more dependent on this militarised accumulation than before the virus hit, and with the threat that the ruling groups will turn to war. Historically, wars have pulled the capitalist system out of crisis and have also served to deflect attention from political tensions and problems of legitimacy.

#### Interdependence causes war---empirics and asymmetry---can’t overcome fundamental disagreements.

van de Haar 20 (Edwin, independent scholar specializing in the liberal tradition in international political thought. He has lectured in international relations and political theory at Brown University, PhD from Maastricht University (2008), a MSc in International Relations from the London School of Economics and Political Science (1997) and a MA in Political Science from Leiden University (1996), “Free trade does not foster peace,” 2020, DOI: 10.1111/ecaf.12405, DOA: 1-5-2020) //Snowball //strikethrough of rhetoric

The most obvious rebuttal of these arguments is empirical. It just did not happen. Countries trading with each other, all around the globe, have fought wars with one another, over and over again. Some recent examples are Russia and Georgia, Russia and Ukraine, and Saudi Arabia and Yemen. As Smith predicted, human nature is an important factor in the explanation. People will quarrel and fight: ultimately emotions rule reason. In the domestic situation, there is hardly anyone who thinks that people can do without police and judiciary, because some people simply will not obey the rules. The international system is without a court with enforcement powers. There are some structural constraints, but it remains a human affair. The fundamental insights of Smith and his contemporaries into human behaviour do not amount to some oldfashioned idea, long refuted by modern science. They are confirmed not only by modern economists such as Kahneman (2011) and international relations specialists such as Waltz (1954, pp. 16–79) and Donelan (2007), but also by theorists working on the border between evolutionary psychology and international affairs (Rosen, 2005; Rubin, 2002; Thayer, 2004). The relationship between trade and economic interdependence is also far more complex. Economic interdependence matters sometimes, but it cannot trump power politics. As Copeland (2015, pp. 1–50, 428–46) makes clear, economic interdependence is sometimes a constraint on violent action by a state. Yet it could just as well be a cause of violent action, especially of a pre-emptive nature in the event that actors expect to be cut off from trade and other economic resources in the near future. In this way, the benefits of continued trade lose out against the expected economic vulnerability. Sobek (2009, pp. 107–27) adds that trade relations might lead to uneven power relationships, which may be a cause of war as well. Also relevant here is the fact that free trade does not normally result in bilateral interdependence, except for trade in the rarest goods. Free trade leads to multilateral trade relations, and consequently there may be more than one country where particular goods can be bought. Therefore, in times of war, it is relatively easy to switch to suppliers from country A to country B or C. In this way warfare may be a less costly option than is assumed by the idea of economic interdependence. Public opinion is not automatically opposed to war, as Cobden painfully found out during the Crimean War (1853–56). This has been evident many times since, not least in the two world wars. So the idea of public opinion as a pacifying factor influencing decision-makers must be discarded. It must also be noted that the public in any case hardly ever influences foreign policy decisions on war and peace (Hill, 2003, pp. 250–82). Trade is unable to foster peace, because it is unable to overcome many causes of war. Think about cultural and religious differences, geopolitical causes such as the fight for natural resources, including increasingly rare raw materials, or more traditional wars between great powers or their proxies over a border dispute. States may also act against their economic interest for some perceived higher goal (Coker, 2014). The causes of war are often multifaceted and complex. Wars happen because people have reasons to fight, in the form of goals and grievances, and possess enough resources and resolve (Ohlson, 2009). Trade relations are just one factor in the mix of causes of war, which include such coincidental factors as chance, luck, or reckless behaviour by individuals who happen to influence public policy. International commerce is simply not a “perfectly effective antiwar device” (Suganami, 1996, pp. 153–210). The best one can say is that the protection of trade relations is sometimes one of the factors in the decision not to wage war. Nothing less, nothing more. To sum up, many of Adam Smith's arguments still stand, and are confirmed or complemented by modern research. There is no solid ground for the expectation that trade promotes, fosters, or leads to peace. Generally, international economic interests are not the crucial factors in decisions over war and peace. Too many other factors come into play. To believe that trade fosters peace was folly even hundreds of years ago. To still think so is to believe in fairy tales, to be ~~blinded~~ [confused] by the correlates computed by limited yet available datasets, or both.

### AT: Cap Solves Environment

#### No decoupling — data that accounts for offshoring and rebound effects prove energy efficiency is getting worse. Staying below 1.5° is biophysically impossible under capitalism.

Albert 20, M.D. @ John Hopkins. BA in Evolutionary Biology (Michael, April, The Dangers of Decoupling: Earth System Crisis and the ‘Fourth Industrial Revolution’, *Global Policy*, Volume 11, Issue 2, DOI: 10.1111/1758-5899.12791)

Unfortunately for the ecomodernists, degrowth scholars and ecological economists have begun to poke holes in their optimistic assessments. Their response can be summarized according to three key counter-arguments: (1) the evidence that ecomodernists provide for relative decoupling is flawed and limited at best; (2) their evidence for the possibility of absolute decoupling is even weaker; and (3) even if absolute decoupling was possible in principle, there is even weaker evidence that this could occur with the necessary speed to stabilize the earth system before reaching irreversible tipping points. First, claims that rich countries have seen relative or even absolute decoupling of economic growth from domestic material consumption have been shown to focus solely on correlations between national GDP and material throughput while ignoring the material-energetic costs embodied in imported consumer goods. For example, Thomas Wiedmann and colleagues show that while the EU, the US, and Japan have grown economically while stabilizing or even reducing domestic material consumption, a broader analysis of their material footprint embedded in their imports shows that it has kept pace with GDP growth. They conclude that ‘no decoupling has taken place over the past two decades for this group of developed countries’ (Wiedmann et al., 2015, p. 6273). Focusing on the global economy as a whole, Krausmann et al. show that its resource intensity improved over the course of the 20th century, though the early 21st century has seen a faster rate of growing resource consumption than global economic growth (cited in Hickel and Kallis, 2019). Thus, as Kallis and Hickel (Kallis and Hickel, 2019, p. 4; italics added) explain: ‘Global historical trends show relative decoupling but no evidence of absolute decoupling, and twenty-first century trends show not greater efficiency but rather worse efficiency, with re-coupling occurring’. Second, given the limited evidence for even relative decoupling, it is little surprise that the evidential basis on which claims for the possibility of absolute decoupling rest is even flimsier. In the most comprehensive summary of the modeling evidence to date, Hickel and Kallis (2019) show that even the most optimistic scenarios fail to prove the possibility of absolute decoupling. For example, a modeling study by Schandl et al. (2016) shows that in a ‘high efficiency’ scenario, one that combines a high and rising carbon price plus a doubling in the rate of material efficiency improvement, global resource use grows more slowly (about a quarter the rate of GDP growth) but steadily to reach 95 billion tons in 2050, while global energy use grows from 14,253 million tons of oil equivalent in 2010 to 26, 932 million in 2050. The authors therefore conclude: ‘While some relative decoupling can be achieved in some scenarios, none would lead to an absolute reduction in ... materials footprint’ (Schandl et al., 2016, p. 8). A high efficiency scenario modeled by the UNEP comes to even less optimistic conclusions (with global resource use rising to 132 billion tons in 2050), since it incorporates the ‘rebound effect’ in which efficiency improvements lead to increased consumption due to resulting price reductions (Hickel and Kallis, 2019). In short, as they conclude, these ‘models suggest that absolute decoupling is not feasible on a global scale in the context of continued economic growth’ (Hickel and Kallis, 2019, p. 6). Third, the critics show that even if absolute decoupling (from both emissions and total environmental impact) were possible in principle, this would need to occur fast enough to prevent transgression of ecological tipping points. Just focusing on the climate problem, the 2018 IPCC report claims that emissions must be reduced 7 per cent annually to reach net zero by 2050 in order to achieve the 1.5 C target, whereas they must reduce 4 per cent annually to reach net zero by 2075 for a shot at the 2 degree target (IPCC, 2018, p. 15). However, even under optimistic assumptions (e.g. a near-term implementation of a high and rising carbon price, alongside heroic carbon intensity improvements), studies suggest that annual declines of 3–4 per cent might be the fastest rate possible assuming continued economic growth (Hickel, 2019). Thus, it would most likely be impossible to meet the 1.5 C target in a context of continuous compound growth. While the 2 degree target might be feasible in this context (assuming implementation of a globally coordinated program starting in 2020), many argue that the IPCC’s estimates downplay the existence of positive feedbacks in the earth system (e.g. Steffen et al., 2018), and thus more rapid emissions cuts might be needed even for 2 degrees. On top of this, economic growth must also be decoupled from impacts on other ‘planetary boundaries’ that may have already been overshot, especially land-use change and biodiversity loss (Raworth, 2017). A number of ecologists believe that to bring humanity back into a ‘safe operating space’, total resource consumption should be reduced from roughly 70 to 50 gigatons per year (Hoekstra and Wiedmann, 2014), while a ‘half earth strategy’ should be implemented that protects 50 per cent of the planet’s surface from direct human interference (up from roughly 18 per cent today) (Wilson, 2017), possibly by 2050 to prevent tipping points in biodiversity loss and land-use change (Hickel and Kallis, 2019). Even if these claims are exaggerated, the magnitude of the overall decoupling challenge remains clear. It would mean that total resource consumption and land use needs to shrink, remain stable, or only increase moderately (depending on our assumptions regarding the further stress (if any) that planetary boundaries can handle) even as the total output of the global economy triples by 2060. It is thus not hyperbole to say, as Boris Frankel puts it, that this goal of absolute decoupling is ‘overwhelmingly staggering in its ambition and historical novelty’ (Frankel, 2018, p. 127).

#### Tech fails — doesn’t displace fossil fuels and increased consumption offsets efficiency gains.

Parrique et al. 19, Centre for Studies and Research in International Development (CERDI), University of Clermont Auvergne, France; Stockholm Resilience Centre (SRC), Stockholm University, Sweden, Barth J., Briens F., C. Kerschner, Kraus-Polk A., Kuokkanen A., Spangenberg J.H. (Timothee, July, Decoupling Debunked: Evidence and arguments against green growth as a sole strategy for sustainability, *European Environmental Bureau*, https://mk0eeborgicuypctuf7e.kinstacdn.com/wp-content/uploads/2019/07/Decoupling-Debunked.pdf)

Not leading to relevant innovations

Innovation is not in and of itself a good thing for ecological sustainability. The desirable type of innovation is eco-innovation or one that results “in a reduction of environmental risk, pollution and other negative impacts of resources use compared to relevant alternatives” (Kemp and Pearson, 2008, p.5). But this is only one type among several. In general, firms have an incentive to innovate to economise on the most expensive factors of production to maximise profits. Because labour and capital are usually relatively more expensive than natural resources, more technological progress will likely continue to be directed towards labour- and capital-saving innovations, with limited benefits, if any, for resource productivity and a potential rise in absolute impacts due to more production. But decoupling will not occur if technological innovations contribute to saving labour and capital while leaving resource use and environmental degradation unchanged. Another issue is that technologies do not only solve environmental problems but also tend to create new ones. Assuming that resource productivity becomes a priority over labour and capital productivity, there is still nothing preventing technological innovations from creating more damage. For example, research into processes of extractions can lead to better ways to locate resources (imaging technologies and data analytics), to extract them (horizontal drilling, hydraulic fracturing, and automated drilling operations), and to transport them (Arctic shipping routes). These innovations may target resource use but with a result opposite to the objective of decoupling, that is more extraction. And this is not even considering unintended side-effects, which often accompany the development of new technologies (Grunwald, 2018). Not disruptive enough Another problem has to do with the replacement of harmful technologies. Indeed, it is not enough for new technologies to emerge (innovation), they must also come to replace the old ones in a process of “exnovation” (Kimberly, 1981). What is required is a “push and pull strategy” (Rockström et al., 2017): pushing environmentally-friendly technologies into society and pulling harmful ones, like fossil-based infrastructure, out of it. First, in reality, such a process is slow and difficult to trigger. Most polluting infrastructures (power plants, buildings and city structures, transport systems) require large investments, which then creates inertia and lock-in (Antal and van den Bergh, 2014, p. 3). Let us, for instance, consider the energy, buildings, and transport sectors, which account for the large majority of world energy consumption and greenhouse gas emissions. Initial lifetime for a nuclear or a coal power plant is about 40 years. Buildings can last at least as much. The average lifetime for a car is 12-15 years, and this is about what it takes for an innovation to spread in the vehicle fleet. The wide availability of petrol refuelling stations gives an infrastructural advantage to petrol-based cars, whereas this is the opposite situation for electric, gas, or hydrogen vehicles that would require different and new supporting infrastructures. Building a highway or a nuclear plant is a commitment to emit for at least as long as these infrastructures will last – Davis and Socolow (2014) speak of “committed emissions.” Energy is a good case in point: using more renewable energy is not the same as using less fossil fuels. The history of energy use is not one of substitutions but rather of successive additions of new sources of energy. As new energy sources are discovered, developed, and deployed, the old sources do not decline, instead, total energy use grows with additional layers on the energy mix cake. York (2012) finds that each unit of energy use from non-fossil fuel sources displaced less than one-quarter of a unit of its fossil-fuel counterpart, showing empirical support for the claim that expanding renewable energies is far from enough to curb fossil fuel consumption. The relative part of coal in the global energy mix has been reduced since the advent of petroleum but this occurred in spite of absolute growth in the use of coal (Krausmann et al., 2009).

#### ‘Green growth’ relies on unsustainable colonial exploitation of the Global South — maintaining colonial mindsets makes solving warming impossible.

Kolinjivadi & Kothari 20, Vijay Kolinjivadi: Post-doctoral researcher at the Institute of Development Policy, University of Antwerp in Belgium. Ashish Kothari: Global Tapestry of Alternatives in India (May 20th, “No Harm Here is Still Harm There: The Green New Deal and the Global South (I),” *Jamhoor*, https://www.jamhoor.org/read/2020/5/20/no-harm-here-is-still-harm-there-looking-at-the-green-new-deal-from-the-global-south, Accessed 07-13-2021)

Additional crucial flaws would also severely hamper the GND’s potential for real change. Foremost, current variants of the GND retain a significant dependence on technological solutions to problems that are not necessarily technological in nature. They also say nothing about the need to reduce material consumption or energy demand overall (except ‘weatherization’ to reduce domestic consumption). Thus for example, they fail to acknowledge that even if the US transitioned completely to renewable energy and technologies like electric cars, it would still be engaging in unsustainable exploitation of nature and natural resources.

Moreover, by focusing heavily on carbon reductions, the GND ignores other major ecological crises, including those of biodiversity and ecosystem loss, driven by uncontrolled consumption in the Global North. Finally, while it commits to holding corporations accountable to domestic climate goals and labour standards, it does not ensure that they will also be held accountable globally (beyond carbon emissions). Similarly, while Bernie’s proposals were committed to ending rising inequality within the US, through taxes on fossil fuel billionaires and “green jobs” for low-income sectors, it is not clear how this inequality would be addressed in a way that does not just shift it outside the US.

As such, the GND cannot adequately challenge the structures of capitalism and patriarchy, and from a global perspective remains rooted in “green” colonialism. It effectively perpetuates the quest for cheap raw materials and black and brown labouring bodies to achieve “green” growth.

In the context of the Global South, then, the GND has failed to illustrate what is “new” about it. Put differently, it is simply inadequate, and indeed unjust, in our current hyper-connected world (laid bare by COVID-19) to limit a GND to the national policy of Global North countries. For instance, if a GND for Europe promises to be “climate neutral,” whose resources and labour will be deployed to power Europe’s unrestrained energy and consumption demands?

This is an especially salient question given how renewable technologies for “cleaner,” “greener” economies depend on the same socially and ecologically degrading land and labour practices as traditional energy sources. They are also conveniently located in countries of the Global South, such as Bolivia and DR Congo, where regulatory safeguards are more lax. The uneven playing field of resources and regulatory frameworks works in the favour of those who have not only historically usurped resources and labouring bodies around the world but also currently dictate the modus operandi of development, including its “greener and eco-friendly” varieties. What is easily forgotten in “eco-friendly” talk is just how development models of the Global North are structurally founded on dehumanization, in which hundreds of millions across the globe are seduced and stripped of their diverse ways of knowing the world, and dumbed down into passive consumerist onlookers and screen junkies, unable or unwilling to acknowledge (much less act upon) the consequences of their consumption patterns.

### Turns Stuff — 2NC

#### Neoliberal food systems are terminally unsustainable and will inevitably collapse causing their impacts —.

Sodano 12 Valeria Sodano University of Naples Federico II | UNINA · Department of Political Sciences; 2012; Food Policy Beyond Neo-Liberalism in Sociological Landscape - Theories, Realities and Trends [https://www.researchgate.net/publication/ 224829022\_Food\_Policy\_Beyond\_Neo-Liberalism](https://www.researchgate.net/publication/%20224829022_Food_Policy_Beyond_Neo-Liberalism) - BS

3. The unsustainable neoliberal food policy

As a generally intended term food policy refers to the two fields of intervention of food safety and food security. Moreover, a third field may be added concerning the control of the environmental impact of food production and distribution; this component may be called food sustainability. As an institutionalized field of state intervention food policy emerged at the beginning of the third food regime. The term food security was coined for the first time following the First World Food Conference in 1974 in Rome. The term food safety was used first in the United States in 1977 when naming the Food Safety and Inspection Service (FSIS).2 During the previous food regimes the only institutionalized field of public intervention was agricultural policy, which was part of the general economic development policy, and was often subordinated to industrial policy. The first World Food Summit was convened under the emotional boost of the global economic crisis, -consequent to the concomitant food, financial and oil crisis-, of the 1971-73. Nevertheless, it was also the culmination of decades of protests (summarized by the demand for a New International Economic Order) expressed by the “third world” countries due to the exploitation of their natural resources and the consequent persistent hunger and poverty they faced.

In 1974, governments attending the World Food Conference had proclaimed that "every man, woman and child has the inalienable right to be free from hunger and malnutrition in order to develop their physical and mental faculties." This statement reflects the prevalent politically economic view of the time, which, under the general label of “welfare state”, endorsed an active role of states in the economy in order to fulfill their commitment to uphold human rights and promote social justice. In 1974 the declared goal of governments was to completely eradicate hunger on a world scale. Two decades later, when the neoliberal wind had already passed into oblivion the policy attitudes of the embedded liberalism, the Rome Declaration, at the 1996 World Food Summit, set the far less ambitious target of reducing by half the number of undernourished people by no later than the year 2015.

Therefore, as a matter of fact, food policy so far has suffered from a severe internal inconsistency: while its goals were set in the political era antecedent neo-liberalism, its instruments have been developed together with the consolidation of neoliberal ideology.

Neoliberalism represents a new particular political economic approach in liberal systems of modern capitalist societies, which has replaced the previous approach of embedded liberalism (Harvey, 2005). According to embedded liberalism, to which the experience of welfare states in the thirty years 1950-1970 has been linked, the economic sphere is embedded in the social and political spheres, and the state has the mandate to intervene in the economy with regard to a variety of goals beyond the allocative efficiency; such as distributional and political goals. On the contrary, according to neoliberalism, the economic sphere is independent from the social and political one and states ought to abstain from intervening in the economy, allowing individuals to participate in free and self-regulating markets. In the case of food policy, these two perspectives lead to a very different choice of goals and instruments. Table 1 confronts food policies in the two cases of embedded liberalism and neoliberalism. In the first column, the main food policy goals are listed according to the two possible rationales for intervention: the sole economic rationale, concerning the improvement of allocative efficiency through the correction of market failures (such as non competitive markets, externalities, public goods and information problems), and the ethical/political rationale, concerning the accomplishment of social justice and human rights. In the second and third columns, the main policy instruments deployed in case of embedded liberalism and neoliberalism are listed. There are two major differences between the two political views.

The first difference is that while embedded liberalism is consistent with both the economic and the political/ethical rationales, neoliberalism only accepts the economic rationale. In other words, while embedded liberalism awards distributive and social goals a prominent place in the food policy agenda, the only goal accepted by neoliberalism is economic efficiency. An important consequence is that neoliberalism does not foresee any form of intervention in order to uphold individuals’ rights to adequate and safe food. With respect to food security, the rationale for intervention is ethical and political rather than economic. Ensuring access to food for poor people means carrying out policies of income redistribution, which respond to objectives of social justice rather than of economic efficiency; it also means considering food to be a human right, which has to be upheld by governments through public commitment. However, it is worth noticing that the goal of food security is still pursued under neoliberalism, but the idea is that keeping markets free from any form of intervention will boost economic development and, through a trickle-down process, will eventually benefit hungry people; hence food security is considered to be the “natural” outcome of the economic development assured by a system of free markets.

The second difference is that in the case of market failures, while neoliberalism only acknowledges market-based instruments, embedded neoliberalism strongly relies also on command-and-control policies. Many problems of food safety and sustainability can be modelled in terms of market failures. In the case of food safety an adequate risk prevention may be considered as a public good, for which properties of non rivalry and non excludability prevent the private sector from providing the efficient supply. Also imperfect information applies, when the low food risk is seen as a quality attribute exhibiting the character of a credence good (the typical example is the presence of chemicals and phytosanitary products' residual substances). Externalities are the main concern in the case of sustainability goals; moreover, prevention of negative environment impacts may be considered as a public good; for instance, reducing green house gas (GHG) emissions is a public good, which firms do not provide unless with direct state intervention. As summarized in table 1, embedded liberalism tackles all these problems with a large set of instruments, including all types of state direct and command-and-control interventions, such as standards, regulation and state participation in economic activities. On the contrary neoliberalism only deploys market-based instruments, such as taxes and incentives, privatization and self-regulation (Backer, 2008; Pariotti, 2009). In fact, neoliberal ideology endorses a system of free markets and free trade where the only acceptable reason for state regulation is to safeguard commercial liberty and private property. Accordingly, it stresses that: problems of public goods may be solved through the Coase theorem (and hence through privatization); food safety can be fulfilled through self regulation and SCR; food security is the “natural” outcome of the economic development assured by a system of free markets; state failures are more dangerous than market failures, which tend to be self-correcting as long as the free competitive process is not disturbed.

Food security The number of people lacking access to the minimum diet has risen from 824 million in 1990 to 925 million in 2010.

Global warming Considering also emissions by indirect activities associated with food production and distribution (such as home storage and refrigerators, waste disposal, transportation by final consumers and so on) the global food system is accountable for nearly 50% of total world GHG emissions (Grain, 2009). Climate change threatens food production through desertification, water shortages, yield decreases.

Energy In the future oil shortages may threaten food availability. It takes more than 400 gallons of oil to feed one person for a year in the USA. In terms of energy conversion this food production system means that it takes three calories of energy for every single calorie of edible food produced on average. In the case of grain-fed beef it takes 35 calories of energy for every one calorie of beef. Oil shortage threatens food security also through the increasing use of arable land for bio fuel production.

Land depletion and land grabbing The amount of arable land per capita is steadily decreasing. It has almost halved since 1960. After the 2008 food crisis rich countries and TNCs have been buying large swathes of land, mainly offered by corrupted governments and elites in developing countries.

Water scarcity Agriculture accounts for 70% of global fresh water use. Almost a billion people live in countries chronically short of water. By 2030 demand for water is expected to increase by 30%.

Food safety Unsafe food causes many acute and life-long diseases, ranging from diarrhoeal diseases to various forms of cancer. WHO estimates that foodborne and waterborne diarrhoeal diseases taken together kill about 2.2 million people annually, 1.9 million of them children.

Competition and power asymmetries in the food chain There are evident imbalances of power among the different stages of the world food chain. About 7 billion consumers and 1.5 farmers are squeezed by no more than 500 companies –retailers, food companies, traders and processors- who control 70%of the world food market. Only three companies (Cargill, Bunge and ADM) account for 90% of the global grain trade. Four firms (Dupont, Monsanto, Syngenta and Limagrain) control over 50% of seed industry. Large companies in the food system are now expanding their power by directly regulating the system, setting private standard and dictating policy agendas to international organisms.

Inequalities Hunger does not affect uniformly people in the world: it is concentrated in developing countries, in rural area and among women. In other words hunger is concentrated among poor people. Neoliberal globalization has raised income inequalities, making poverty and hunger “incurable deseases”.

Food loss and waste Food waste and loss, i.e. food that is discarded or lost uneaten, annually account for 1.3 billion tons of food, about one third of the global food production (according to a 2011 estimate). Consumers’ attitudes and retailers’ procurement and marketing policies are referred to as the main causes.

Malnutrition and obesity Besides hunger malnutrition means over nutrition and obesity. Obesity is associated with higher mortality rates for cardiovascular diseases and cancer. In the United States obesity and overweight together are the second leading cause of preventable death. Over the last twenty years obesity has also spread in developing countries. World obesity epidemic has multiple causes, nevertheless important recognized causes are poverty, low level of education, children exposure to junk food advertising.

Table 2. The unsustainable neoliberal food regime

Over the last thirty years, food and agriculture have not been at the top of the agenda for governments of developed countries. Few events, amongst which the BSE outbreak and the failure of the WTO Ministerial Conference in Cancun, have been deemed worthy of the front pages of newspapers. It was with the 2008 food crisis that the issues of food security and the fragility of the global food system were brought to the fore as hot topics at the level of governments and international organizations as well as that of society.

The 2008 food crisis and the concomitant financial crisis have shown the contradictions and the shortcomings of neoliberalism to the public at large. Criticism of the system, confined over the previous years at margin of media and academia, have reached the large public and mass media.

In the aftermath of food riots, which spread across poor countries faced by the sudden rise in food prices, two alternative readings of the crisis were given, the “official” one, by mainstream academicians and FAO, and the alternative one, by some ONGs, heterodox social scientists and the various associations which had been fighting the neoliberal food system over the previous years. The comparison of the two analysis offers the opportunity to understand how continuing neoliberal policies may worsen, instead of resolve, future food crisis; it also helps to introduce the discussion on the alternative forms of intervention which is the issue of the next section.

Participants at the FAO Conference held in Rome in June 2008 (FAO, 2008) identified two main causes of the food crisis: 1) the structural changes in demand associated with the high economic growth rate of the emergent capitalistic countries (China in particular); 2) the strong pressure on the energy market, this latter aspect inducing both rising costs of the very fuel dependent food system and a strong competition between food/feed and biofuel crop cultivation. With regards to a third cause, the role of the financial market crisis and its effects on the grain futures market, there was instead a strong disagreement.

In contrast to the “official” interpretation of the crisis, heterodox analysis, as reported by ECT group and PANAP (ECT group, 2008; Guzman, 2008) identified three important points, The first point was that the food emergency did not emerge overnight, and did not begin with record-high prices. It had already been affecting poor countries for 20 years. In the early 1960s developing countries had an overall agricultural trade surplus approaching $7 billion per year (FAO, 2004). By the end of the 1980s the surplus had disappeared and many countries were net importers of food. This shift had been the consequence of US and European policies that had favored corporate agribusiness by keeping commodity prices low, dismantling trade barriers and marginalizing millions of small scale farmers.e barriers and marginalizing millions of small scale farmers.

The second point was the strong food-financial crisis nexus. The reason for food ‘shortages’ had been speculation in commodity futures, following the collapse of the financial derivatives markets. Desperate for quick returns, dealers had been taking trillions of dollars out of equities and mortgage bonds and had ploughed them into food and raw materials.

The amount of speculative money in commodity futures ballooned from US$5 billion in 2000 to US$175 billion in 2007. This is the ‘commodities super-cycle’ on Wall Street and its latest illustration has been the post-GRAND2008 ‘land grab’ by rich governments and corporations (GRAIN, 2008; Ghosh, 2010; Zagema, Lobbyist, 2011). The third point, finally, was that whereas shortage of supply had been pointed at as a main cause of the price surge, this might not be the case. Looking at data and forecasts in the period previous to 2008 production outpaced consumption, on average on a two years basis, for all types of food.

Therefore, according to the heterodox interpretation 2008 price rises were driven by the international food trade, notwithstanding the fact that global food trade has been estimated to be only around 10% of global food production. Because global food trade is controlled by a few TNCs that have gained exceptional profits from price peaks (as reported by Lean, 2008, in the first three month of 2008 Cargill and Archer Daniels Midland increased their net earnings by 86 and 42 per cent) it is likely that high prices have been the consequence, besides the speculation on financial markets, of the exercise of a strong market and buying power by these leading companies.

In other words the heterodox interpretation contends that global food crisis is politicaleconomic in nature and not the mere consequence of unbalanced supply-demand movements. According to this view, the food inflation that has pushed millions of people into poverty and worsened the life of the 2.5 billion people already living on less than $2 a day, has been the consequence of: 1) excess of market/buying power exercised by the big corporations of the agribusiness; 2) process of financiarization of the world economy, that has made food commodities markets vulnerable to financial crisis; 3) twenty-five years of lasting neoliberal policies that have worsened inequalities and created food import dependence in less developed countries.

Consistently with the official interpretation of the crisis, FAO, WB and US and EU governments suggested the following prescriptions to cope with the food crisis: further trade liberalization; enhancing agriculture productivity by shifting from smallholders farms to labor-intensive commercial farming; relying on the private sector as provider of agricultural services; promotion of innovation through science and technology; developing high-value markets (i.e. food sold through supermarkets) for domestic consumption; facilitating input markets in order to assure better access to improved seed and fertilizers; improving the land market to facilitate agriculture consolidation processes; enhancing the performance of producer organization to achieve competitiveness of smallholders; linking ocal economies to broader markets and a shift from self-consumption and self-employment to production for the market and to wage employment; investing in safety nets for the poorest people, preferring targeted cash transfers and in-kind food distribution.

Most of these suggested interventions have been criticized by the “heterodox approach” on the grounds that they are likely to continue the commodification of food initiated with the first food regime and then reinforced by the neoliberal agenda in accordance with the Washington Consensus “credo”: privatization, liberalization, deregulation, decreasing public social expenditure. As far as these interventions reinforce the true causes of the food crisis, - i.e. corporate power, neoliberal ideology and financiarization- they are unlikely to prevent further future food crisis and promote food security.

#### Turns democracy

**Hobson 17**. (Christopher Hobson is Associate Professor in the School of Political Science and Economics, Waseda University, Japan. <KEN> “Democratic Peace: Progress and Crisis,” American Political Science Association. September 2017 | Vol. 15/No. 3. DOA: 3/8/19. https://www.cambridge.org/core/journals/perspectives-on-politics/article/democratic-peace-progress-and-crisis/6D5D0A222F4BE800EBED9A555F0593A5)

What Offe points to is the manner in which neoliberalism has shrunk the political sphere in democracies. It is not simply that the economic realm has become detached from democratic control, helping to exacerbate inequality. The situation is more drastic than this; it is what Manet terms the “economic evisceration of our bodies politic.” 73 Market-based relations have become the dominant framework for conceiving of the role of government, what citizenship means, how we see ourselves, the way we determine value, and how people relate to each other in society.74 Economic logic is effectively consuming the political sphere, corrupting the register in which democracy is enacted. If one takes these arguments seriously, it suggests that one of the greatest threats to the dyadic peace comes from established democracies being hollowed out and destroyed from within. Put strongly, neoliberalism is acting like acid on democratic norms and institutions, eating away not only at the foundations of this form of rule, but also the zone of peace. A defining feature of the neoliberal era has been a marked rise in economic inequality, reversing the previous movement towards greater equality during the immediate decades after World War II. This has been constant across most OECD countries.75 In a new paper, Emmanuel Saez and Gabriel Zucman identify three major trends: First, wealth inequality is high and rising fast in the United States: the top 0.1% share has increased from 7% in the late 1970s to 22% in 2012. Second, the wealth share of the middleclass has followed an inverted-U evolution over the course of the twentieth century: it is no higher today than in 1940. Third, the combination of rising income and saving rate inequality is fueling wealth inequality.76 These developments are more pronounced in the United States, but Thomas Piketty and Emmanuel Saez observe that income inequality and wealth inequality have also been on the rise in Europe since the 1970s.77 As noted earlier, this is contributing to a decline in voter participation, a loss of trust in politicians, and the growing influence of special interest groups. Beyond undermining and distorting core democratic institutions, this situation contradicts the basic idea of equality, which has long been fundamental to the way people conceive of democracy. This is a markedly different reading of democracy and capitalism to the overly sanguine one that prevails in democratic-peace research. The rise of neoliberalism has been closely connected to deepening processes of globalization, which have further ramifications for democratic governance. More and more, decisions are being made outside of the confines of the state, with nonelected bureaucrats, experts, and bodies having a significant role in policymaking. States can be held hostage to the whims of the market, while transnational corporations have considerable leverage as a result of their ability to move to territories most conducive to their interests. Meanwhile, with the intensification and acceleration of communication, there is less space for debate and dialogue, features that are normally seen as vital for the health of democracy.78 The corrosive effects of globalization on state capacity may be less evident in relation to traditional security issues, but these processes are consequential for the functioning and maintenance of democratic institutions and cultures. In this sense, globalization works to reinforce the other trends identified here that are reshaping liberal democracy. Held argues that there are significant disjunctures between traditional claims to state sovereignty and globalized practices regarding law, politics, security, identity, and the economy, which leads him to consider whether democracy also needs to expand beyond state borders.79 James Bohman goes further in proposing that “a new kind of transnational democratization is essential to the project of an expanding democratic peace.” 80 The democratic peace research program has little scope for considering such proposals, however, as they remain wedded to an essentially realist conception of international anarchy. Furthermore, the kind of normative project that Bohman is proposing lies well beyond the kind of scholarship neopositivists are willing to engage with. As a result, they are poorly equipped to consider the ways that globalization is reshaping the contours and capacities of states, with farreaching for what democracy can mean. This reinforces the problem previously identified by Barkawi and Laffey, who observe that democratic-peace scholars are caught in a “territorial trap” that produces a “blindness to global social relations and their role in reshaping both the state and the international organization of force.” 81 Collectively what this illustrates is that the manner in which the democratic-peace research program conceives of democracy, its relationship with capitalism, and its connection to wider processes of globalization leaves it with an increasingly incomplete and out-of-date understanding of how democracy interacts with the international sphere. Rearranging Deck Chairs: Methodological Myopia at a Time of Democratic Decline When work on democratic peace first emerged it contributed to the revitalization of liberal thought and represented an important contribution to the social sciences. Yet innovation has been replaced by stagnation, with Barkawi proposing that the democratic-peace research program has become “degenerative” insofar as it “no longer creates or explains novel facts.” 82 An overriding concern with methodological rigor has resulted in an increasingly monochrome literature, divorced from the most significant debates surrounding democracy. This is a prime example of the larger trend towards methodological questions dominating in IR, something that senior scholars from a range of theoretical traditions have voiced misgivings about.83 Reflecting on this state of affairs, Robert Keohane observes that the relentless pressure of more and more sophisticated quantitative methods continues . . . . All too often . . . they [methods] are used unimaginatively to address, in somewhat more precise ways, issues that are already well-understood, while new or more significant developments, since they seem less amenable to such methods, are ignored.84 Sanford Schram echoes this conclusion, suggesting that due to an excessive concern with method, “social science has diminished its ability to conduct research in ways that people can use to better understand and do something about what is happening in their society and economy.” 85 What Keohane and Schram both point to is the limited value of work that remains defensible within the restricted parameters it sets for itself, but has little to contribute to the way we formulate and respond to fundamental questions in politics. This is certainly the case with democratic-peace research, which operates with an excessively narrow conception of how IR should be studied and what qualifies as valid scholarship. The result is the odd situation where the largest body of work on democracy in IR has remarkably little to say about democracy’s contemporary fortunes and future place in the world. It appears that democratic-peace scholars can no longer see the proverbial forest from the trees. Coding and correlation are debated ad infinitum, while little attention is given to growing economic inequality, voter alienation, a decline in traditional parties, rising populism, and a wide array of related trends that raise serious doubts about the health of established democracies. Democratic-peace research has remained largely oblivious to these trends, yet as shown here, these developments are directly relevant for structural and normative arguments. Engaging with these issues means overturning the unexamined assumption that states at the heart of the zone of peace will remain democratic. Not only does such a linear conception of history fail to correspond to democracy’s much more uneven past, it overlooks the possibility that established democracies may disappear, weaken drastically, or undergo great change. The collective failure to seriously consider the possibility that the Soviet Union might collapse should serve as a warning against such comfortable thinking.86 Perhaps the Trump presidency might finally prompt democratic peace scholars to begin taking democratic decline more seriously. The argument made here points towards a different way of studying democracy’s role in international politics, but the conclusions can be adapted to match with the dominant mode of democratic-peace research. For example, Edward Mansfield and Jack Snyder have argued that the zone of peace does not extend to transitional democracies, which may actually be more war-prone.87 This logic could be extended to considering democracies in decline, asking whether they will behave more like transitional or established democracies. On this point, Leonardo Morlino has developed a sophisticated framework for measuring the quality of democracies, classifying them in relation to rule of law, accountability, participation, competition, responsibility, freedom, and equality.88 This allows him to distinguish between a range of imperfect democracies: inefficient, irresponsible, passive, stuck, illegitimate, reduced, unequal, and minimal.89 Connecting this to work on democratic peace, it could be worth considering whether some failings or weaknesses in democracy are more consequential than others for international behavior. These are just some examples of the way a more complex—and more empirically accurate—account of democracy and its role in international politics could be developed. It is not sufficient, however, to simply expand the remit of neopositivist scholarship by adding a few new research questions. There is a need for greater openness to work that commences from different ontological, epistemological, and methodological positions.

## DA

#### The trade war empirically disproves their impact — trade decline soothes international tensions.

Posen 20, Ford International Professor of Political Science at MIT and Director Emeritus of the MIT Security Studies Program. (Barry, April 23rd, “Do Pandemics Promote Peace?” *Foreign Affairs*, <https://www.foreignaffairs.com/articles/china/2020-04-23/do-pandemics-promote-peace>, Accessed 04-20-2021)

At the same time, governments and businesses will likely try to reduce their reliance on imports of critical materials, having watched global supply chains break down during the pandemic. The result will probably be diminished trade, something liberal internationalists see as a bad thing. But for the last five years or so, trade has not helped improve relations between states but rather fueled resentment. Less trade could mean less friction between major powers, thereby reducing the intensity of their rivalries.

In the Chinese context, less international trade could have positive knock-on effects. Focused on growing the domestic economy, and burdened by hefty bills from fighting the virus, Beijing could be forced to table the Belt and Road Initiative, an ambitious trade and investment project that has unnerved the foreign policy establishments of great and middle powers. The suspension of the BRI would soothe the fears of those who see it as an instrument of Chinese world domination.

#### No grid hacks---AND squirrels thump.

Larson 19, Intel Analyst @ Dragos. (Selena, 4-3-2019, "Debunking the Hacker Hype: The Reality of Widespread Blackouts", *Dragos*, <https://www.dragos.com/blog/industry-news/debunking-the-hacker-hype-the-reality-of-widespread-blackouts-rsa-2019-recap/>)

Unfortunately, the Hollywood-esque idea of a country-wide blackout that grinds society to a halt is what many people consider to be the reality of the threat to the electric grid system. But the truth is less of a blockbuster.

Consider this:

A destructive incident at one site would require highly-tailored tools and operations and would not effectively scale.

A ransomware infection at the financial services division of an electric utility doesn’t automatically translate into a blackout.

In most industrial environments the equipment can operate safely and independently for quite a while, so system downtime may have no effect. It could however hurt business operations like shipping, sales, etc.

So why is it important to identify fear, uncertainty, and doubt (FUD) in reporting? It can have a real impact on how people do their jobs: if incidents relating to ICS security are misreported it can be a headache for defenders and owners and operators who may not have the proper context. Additionally, it contributes to an overall misunderstanding among the general public and policy makers who often make decisions based on public information.

It’s worth noting the phrase “hacking the grid” doesn’t make complete sense. At a very basic level, the North American Electric grid is complex and made up of regional and local electricity grids that are connected together to make larger networks for reliability. There are also built-in redundancies for power resiliency. Cyberattacks are not the only threats grid operators and other stakeholders consider when focusing on defending the US electric grid. The long-running joke is that squirrels and other animals should be considered their own APT group due to their ability to cause blackouts; it is, however, true that creatures, natural events, vegetation like fallen limbs, and physical disruptions are all potential threats to grid systems.

## Adv 1

### 2NC- Rulemaking

#### Even if the aff leads to Big Tech break-up, that causes a crop of 30 new megacompanies, but fails to spur meaningful change

**Karabell 20** (Zachary Karabell– PhD from Harvard, Head of Global Strategies at Envestnet financial services firm., 1-23-20,"Don't Break Up Big Tech," Wired, <https://www.wired.com/story/dont-break-up-big-tech/> )

Now imagine each of the Big Tech giants gets disassembled in this way. We might end up with a landscape of 30 companies instead of half a dozen. A quintupling of industry players would, by definition, create a more competitive field. But competition in the antitrust framework, stretching back to the original Sherman Anti-Trust Bill in 1890 and then subsequent legislation such as the Clayton Bill in 1914, is not a virtue or need in and of itself. It is the means to a set of ends—namely, “economic liberty,” unfettered trade, lower prices, and better services for consumers. By itself, competition does not guarantee anything.

Meanwhile, it’s hard to see how going from six companies to 30 would give consumers any more choice of services or more control over their data, or how it would help to nurture small businesses and lower costs to consumers and society. Perhaps there would be openings for companies with different business models, ones that brand themselves as valuing privacy and empowering individual ownership of data. This can’t be ruled out, but the nature of data selling and data mining is so embedded in the current models of most IT companies that it is very hard to see how such businesses could thrive unless they charged more to consumers than consumers have so far been willing to pay. In the meantime, the 30 new megacompanies would still have immense competitive advantages over smaller startups.

### 2NC- Outweighs

#### K outweighs.

Russell Seitz, 7/1/2011, a former associate of the John M. Olin Institute for Strategic Studies at Harvard University’s Center for International Affairs, “Nuclear winter was and is debatable”, Nature. Vol. 475 Issue 7354, p37-37. 1

Alan Robock's contention that there has been no real scientific debate about the 'nuclear winter' concept is itself debatable (Nature 473, 275–276; 2011). This potential climate disaster, popularized in Science in 1983, rested on the output of a one-dimensional model that was later shown to overestimate the smoke a nuclear holocaust might engender. More refined estimates, combined with advanced three-dimensional models (see http://go.nature.com/kss8te), have dramatically reduced the extent and severity of the projected cooling. Despite this, Carl Sagan, who co-authored the 1983 Science paper, went so far as to posit “the extinction of Homo sapiens” (C. Sagan Foreign Affairs 63, 75–77; 1984). Some regarded this apocalyptic prediction as an exercise in mythology. George Rathjens of the Massachusetts Institute of Technology protested: “Nuclear winter is the worst example of the misrepresentation of science to the public in my memory,” (see http://go.nature.com/yujz84) and climatologist Kerry Emanuel observed that the subject had “become notorious for its lack of scientific integrity” (Nature 319, 259; 1986). Robock's single-digit fall in temperature is at odds with the subzero (about −25 °C) continental cooling originally projected for a wide spectrum of nuclear wars. Whereas Sagan predicted darkness at noon from a US–Soviet nuclear conflict, Robock projects global sunlight that is several orders of magnitude brighter for a Pakistan–India conflict — literally the difference between night and day. Since 1983, the projected worst-case cooling has fallen from a Siberian deep freeze spanning 11,000 degree-days Celsius (a measure of the severity of winters) to numbers so unseasonably small as to call the very term 'nuclear winter' into question.

### 2NC---!D---Economy

#### No economy impact---40 US recessions have occurred with zero observable correlation with conflict. Wars routinely start during high points and terminate during downturn---that’s Walt.

## Adv 2

### 2NC

#### US culture and perceptions of it are an alt cause

Nichols and Bakken ‘21

(Rebecca Bakken Extension School Communications. QnA with Tom Nichols. Thomas M. Nichols is an academic specialist on international affairs, currently a professor at the U.S. Naval War College and at the Harvard Extension School. “Biggest threat to America? Not terrorism but apathy, expert says” <https://news.harvard.edu/gazette/story/2021/09/our-own-worst-enemy-looks-at-americans-lack-of-civic-virtue/>)

One of the biggest threats to American democracy right now isn’t nuclear war or terrorism, but the growing narcissism and nihilism of the public, says Tom Nichols. Nichols, an instructor at Harvard Extension School and the U.S. Naval War College, recently released “Our Own Worst Enemy.” The book details how a lack of civic virtue combined with Americans’ expectation that the government take care of their needs now pose an existential threat to our system of government. Nichols borrows a movie scenario to illustrate: In “Three Days of the Condor,” two CIA agents tensely discuss the covert bust of a nefarious plan to invade the Middle East for its oil. When a senior official, Higgins, says it was actually a good plan, his callousness stuns a low-level analyst. But Higgins says that in desperate times, people don’t care how resources like oil and food are secured for them: “They’ll just want us to get it for them.” The result, Nichols says: “You will have a technocracy that just doesn’t ask us our views anymore because they can’t get an answer out of us. And I always say, this will not be a takeover. Other people will govern us by default because we don’t care.” Harvard Extension School sat down with Nichols to talk about the book and the current state of democracy. Q&A Tom Nichols EXTENSION SCHOOL: Give me a brief description of your book. NICHOLS: Democracy is in trouble in the United States and around the world, and the usual explanations for it didn’t seem to me to be capturing the reality. The usual explanations were globalization, economic anxiety — big tectonic changes, and almost always raw economic explanations. And I didn’t find those compelling. The answer I came to is that there’s no way to track the decline of democracy with anything but large cultural changes, which have been in motion for 50 years. But I really thought the strongest relationship was the growth of an affluent, narcissistic society and the decline of civic and democratic virtue. We are expecting too much from democracy without really having to participate in it. We’ve become very entitled. We’ve become very self-centered. And we think that every inconvenience is a failure of democracy. We think that even the major things in our lives are a failure of democracy — if you lose your job, if a factory closes, if your health goes bad, somehow, everything has failed you. The idea that we are resilient adults who have agency and control our own destinies has become alien to multiple generations of Americans whose relationship with democracy is almost childlike. And when democracy doesn’t do everything we want it to do, we declare the whole thing a failure. That wasn’t good enough for me, so I wrote about why I think that’s happening and why we need to recover some sense of civic virtue. EXTENSION SCHOOL: Do you see this as a follow-up to your last book, “The Death of Expertise”? NICHOLS: It wasn’t a follow-up or a sequel. I began [“The Death of Expertise”] before the pandemic, so it’s not about Trump, it’s not about the pandemic, it’s not about Jan. 6 or any of that. But all of those [events] confirmed to me that we are not a resilient civic society capable of dealing with any adversity. That was one of the worries that was underlying “The Death of Expertise.” Actually, I was optimistic about it in “The Death of Expertise.” I used to give talks where I’d say a depression, a war, or a pandemic will probably snap us out of this. It didn’t. EXTENSION SCHOOL: In a video of you touring your hometown, you said, “Democracy has to do a better job of taking care of the people who are suffering.” How does that happen? Tom Nichols. “We are expecting too much from democracy without really having to participate in it. We’ve become very entitled. We’ve become very self-centered,” says Tom Nichols, author of “Our Own Worst Enemy.” Courtesy of Tom Nichols NICHOLS: We have to make those decisions as a society. When people say democracy has to do better, normally they don’t say we have to do better. They say the government has to do better. As if it’s some separate group of aliens who rule us from some other planet. We choose those policies. We choose those people. The same people who say “Why don’t I have health care?” tend to vote against that kind of stuff, [and they] are the people who need health care. We have become so wrapped up in our own narcissistic beefs that we will vote against our own interests and against the well-being of ourselves and our neighbors purely as some kind of tribal exercise. This has been going on for 50 years. And this is not limited to one party. We have become surly villagers — me, my family, my little plot of land, and everybody else can go to hell. Well, that’s not America. America prospered, especially in the 20th century, on the exact opposite of that. We created civic associations. I’m an Elk. We contribute to scholarship funds and flag drives. Yet people now won’t do that and then they say, “Why is society so mean and heartless and awful? And why is democracy so callous and ruthless?” Well, we never look at home for those answers. EXTENSION SCHOOL: You’re teaching a class this spring, “Popular Culture and U.S. Foreign Policy During the Cold War.” Do you see any parallels between what happened then and what’s happening now? NICHOLS: The existence of an alternative to liberal democracy sobered everybody up at various times during the Cold War. You didn’t get up every morning and think that Soviet paratroopers were going to wade ashore in Boston Harbor. But most people knew and understood that there was a giant, nuclear superpower that was our peer competitor that wished us harm, and that their model of government was the opposite of our model of government. People don’t have that anymore. They think the world is basically just a big chaotic marketplace. They look at China and they see glittering cities and trading partners, and it’s basically like us. The Soviet experience was a stark difference. It was easy to draw black-and-white differences between our system and the Soviet system. Without that sense that liberal democracy is unique and precious and worth defending, we’ve become lazy about it. Nobody has any real sense of danger from any other system in the world. Some of this, too, is 20 years of focusing on terrorists who are a threat to our personal safety in random ways but not a threat to our entire way of life or our government. Terrorists are not going to pull down the American flag or nuke Los Angeles. EXTENSION SCHOOL: Is this shift in public attitude an issue of national security? NICHOLS: It’s an existential threat to our security. Our democracy is in danger of collapsing, and our enemies are here for it. And again, we had an administration that was completely in cahoots with our worst enemy, Russia, and nobody seemed to care. The Democrats cared, but not enough. Think of the hearings that the Republicans had over Benghazi. We haven’t even had anything close to that on the Trump administration or Jan. 6. And now we’re arguing about, does the infrastructure bill care enough about the constituency that I care about? It is inconceivable to me that we are talking about anything except the fact that we are fighting a rearguard action to save the constitutional system of the United States of America. And yet here we are with business as usual.

# 1NR

### 1NR---Overview

#### Only Congress has link uniqueness

Morton 20, the Theodore Nierenberg Professor of Economics at the Yale University School of Management (Fiona, “Reforming U.S. antitrust enforcement and competition policy,” https://equitablegrowth.org/reforming-u-s-antitrust-enforcement-and-competition-policy/)

Despite the government’s success in some merger litigation, this success only occurs in transactions that most clearly violate the law.25 The fact that the two antitrust agencies must litigate cases that are clearly anticompetitive—rather than the parties not even considering the deal in the first place or abandoning it after the government makes its concerns known—speaks to the limitations of current antitrust legal doctrine.

It would likely take decades to reverse this body of accumulated legal doctrine, even if every future case that was litigated were decided with perfect accuracy. Fortunately, Congress is the final arbiter on competition law and can change it to reflect the desire of society for competitive markets. Congress has not substantively amended those laws in more than 60 years. A broad foundation of economic research supports retooling our antitrust laws for the 21st century and restoring the vigor that was originally intended. Although legislation can take many forms, successful antitrust reform legislation should accomplish four goals:

Overturn Supreme Court precedent that has inoculated exclusionary conduct from antitrust scrutiny even when it harms competition by eliminating or harming competitors

Prohibit courts from assuming that some aspect of a market is competitive or will become competitive rather than assessing the evidence in the case

Create simple rules (known as presumptions) that will lower the resource cost of enforcement for conduct and acquisitions that economic research shows are likely to raise competitive problems

Clarify that the antitrust laws are designed to protect competition that may manifest itself across a broad range of outcomes such as higher prices, reduced quality, harm to innovation, lower input prices, and elimination of potential competition

Lastly, Congress could consider two ways to raise the expertise level of judges. One is to require the court to hire its own economic expert in an antitrust case, paid by the parties. The neutral expert’s task would be to help the court understand the economics presented by each side. A second option is to create a specialized trial court to hear cases brought under the federal antitrust laws.26 Doing so would allow antitrust cases to be heard by judges with experience in evaluating complex economic evidence. A sophisticated judge would encourage litigants to rely on the best economic arguments and modern economic tools applied to the facts in the case, improving the accuracy of judicial decisions and discouraging judicial acceptance of the erroneous general economic assumptions that have supported relaxed antitrust enforcement.27 A term on such a specialized court should be of relatively short duration to limit the possibility of capture or entrenchment.

#### Topic paper agrees

Buntin et al 21 (Jeff Buntin, Nina Fridman, Teja Leburu, Ezra Louvis, Ayush Midha, Bryce Rao, and Tim Wegener. “Antitrust Controversy Area Proposal”, <http://www.cedadebate.org/forum/index.php/topic,7654.0.html> , April 25, 2021, date accessed 9/15/21)

The core controversy for this topic concerns **whether the federal government should enforce antitrust laws more stringently, against a wider range of conduct**. “Antitrust laws” includes three core statutes: the Sherman Act, the Clayton Act, and the FTC Act. There hasn’t been a significant update to statutory antitrust law in 60 years, and there has been a long-term decline in the vigor with which antitrust actions are pursued by federal regulators and upheld by the courts. **Crucially**, we suggest that the topic require the affirmative to **expand the reach of antitrust law**, rather than merely increase enforcement of existing antitrust law. The core controversy for the topic concerns whether firms today – from the “tech giants” of Amazon/Apple/Google/Facebook to energy firms and health care conglomerates – have escaped antitrust scrutiny due to too-narrow interpretations of anticompetitive practices regulated by the above statutes. Expanding the reach of antitrust law – in other words, defining new/additional conduct as anticompetitive and regulating on that basis – would be a large change from the status quo (one that Congress and the Biden administration are almost certainly not going to enact), and it builds in two core negative counterplan approaches: **enforce existing law** more aggressively, and **regulate practices directly through non-antitrust means**. The core debates will revolve around whether the harms of current concentration of market power outweigh the downsides of a more activist role for government in regulating the market to ensure competition. This topic will feature debates about the most interesting and controversial sectors in the U.S. economy, from artificial intelligence to news media outlets to renewable energy producers. The way we organize our economy **matters for everything**, and this topic will allow students to explore broad-ranging implications for the structure of the economy through a mechanism that is constrained enough to produce deep clash – the ideal balance for a season of debates.

#### Independently: “Resolved” is legislative

Louisiana House of Representatives No Date (“Legislative Glossary” , <https://www.legis.la.gov/legis/Glossary.aspx#Reading%20of%20a%20bill> , date accessed 9/12/21)

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 and Senate Rules 10.9, 13.5 and 15.1)

### 1NR---AT C/I

#### We have to give each word in the res distinct meanings

Cowen 98 (COWEN, Circuit Judge, dissenting. Opinion in Venicassa v. Consolidation Coal Co., 137 F. 3d 197 - Court of Appeals, 3rd Circuit 1998, Google scholar caselaw, date accessed 9/16/21)

The Director's interpretation of this language is inconsistent with the regulation. While section 725.412(a) includes the phrase "at any time during the processing of the claim," it also includes the phrase "[s]uch identification shall be made as soon after the filing of the claim as the evidence obtained permits." Thus, the Director impermissibly reads the second phrase completely out of the regulation for all practical purposes. See Oglebay, 877 F.2d at 1306-07 (Wellford, J., dissenting). Because meaning must be given to every word "so that no part will be inoperative or superfluous, void or insignificant," Sekula, 39 F.3d at 454-55 n. 16, this aspect of the Director's interpretation is entitled to no deference.

**Even if they win ‘expand’ means increase, they don’t meet—it’s distinct from clarifying**

**Masingill 18** (MEGAN L. MASINGILL-Senior Staff Member, American University Law Review, Volume 68; J.D. Candidate, May 2019, American University Washington College of Law; B.A., Spanish Studies and Business Studies, 2016, Bentley University. “EXTRATERRITORIALITY OF ANTITRUST LAW: APPLYING THE SUPREME COURT’S ANALYSIS IN RJR NABISCO TO FOREIGN COMPONENT CARTELS”, *AMERICAN UNIVERSITY LAW REVIEW ,* Vol. 68:621, 2018, <https://digitalcommons.wcl.american.edu/aulr/vol68/iss2/5/> , date accessed 9/4/21)

The application of the rationale from the RJR Nabisco decision is consistent with the legislative intent behind the enactment of the FTAIA. The purpose of the FTAIA was to **clarify and** potentially **limit** the reach of the Sherman Act.209 As reflected in the committee report, Congress did **not** intend to **broaden the scope** of U.S. antitrust law for cases of foreign injury to foreign plaintiffs caused by foreign conduct.210

#### Their ‘scope’ counter-interp is a nightmare for debate—it includes private enforcement, probability of investigation, and competition advocacy (KU BLUE)

Bradford & Chilton ’18 [Anu; Professor of Law @ Columbia; and Adam; Professor of Law @ UChicago; “Competition Law Around the World from 1889 to 2010: The Competition Law Index” *Journal of Competition Law & Economics* 14(3), p. 393-432]

Indicators for Competition Law and Policy (CLP): Finally, the CLP Indicators measure the strength and scope of competition regimes in 49 jurisdictions in 2013.53 Relying on a survey conducted among competition agencies, the CLP captures these agencies perception of whether various features of their domestic competition laws prevent anticompetitive behavior. These features include (1) the scope of action (including competences, investigative powers, sanctions/remedies, and private enforcement); (2) policy on anticompetitive behaviors (including horizontal agreements, vertical agreements, mergers, and exclusionary conducts); (3) probability of investigation (including independence, accountability, and procedural fairness); and (4) competition advocacy. Like CPI, FNI, and Four Indicators, the CLP also attempts to measure whether the competition policy reflects generally recognized “good” practices

#### Competition advocacy is defined as non-enforcement!

ICN 2 (INTERNATIONAL COMPETITION NETWORK. “ADVOCACY AND COMPETITION POLICY” , Report prepared by the Advocacy Working Group ICN’s Conference Naples, Italy, 2002, <https://www.internationalcompetitionnetwork.org/wp-content/uploads/2018/09/AWG_AdvocacyReport2002.pdf> , date accessed 10/1/21)

\*italics in original

In the present report the following definition of competition advocacy was adopted:

*Competition advocacy refers to those activities conducted by the competition authority related to the promotion of a competitive environment for economic activities by means of non-enforcement mechanisms, mainly through its relationships with other governmental entities and by increasing public awareness of the benefits of competition.*

### 1NR---AT Hurwitz

#### Change in the law can only be done by Congress.

Agarwal 20 (Asheesh, Counsel of Record, and Corbin K. Barthold, TechFreedom is a nonprofit, nonpartisan think tank based in Washington, D.C., “BRIEF OF TECHFREEDOM AS AMICUS CURIAE IN SUPPORT OF PETITIONERS (NO. 19-508) AND RESPONDENTS (NO. 19-825),” IN THE Supreme Court of the United States AMG CAPITAL MANAGEMENT, LLC, et al., v. FEDERAL TRADE COMMISSION, On Writ of Certiorari to the United States Court of Appeals for the Seventh and Ninth Circuits, 2 October 2020, <https://www.supremecourt.gov/DocketPDF/19/19-508/156613/20201002121709032_tsac%20TechFreedom%20No.%2019-508%2019-825.pdf>, DOA: 9-17-2021) //Snowball //added longer version of abbreviation in brackets

II. ONLY CONGRESS CAN AMEND THE FTC ACT TO PROVIDE THE FTC THE REMEDIAL PROCESS IT WANTS; THE JUDICIARY IS NEITHER AUTHORIZED NOR CAPABLE OF MAKING SUCH CHANGES ITSELF.

Someone who thinks judges are adept at “fulfilling” legislative intent through “loose construction” would do well to study this case. It is a cautionary tale. The courts have departed so far from Section 13(b)’s words as to have rewritten them, in violation of the separation of powers. In doing so, they have brought confusion to the statute where none need exist, and, no longer guided by the text, they are unable to agree on how much atextual expansion is warranted. This case shows why lawmaking should be left to Congress, the body best able to produce a statute that functions well as a whole.

A. Only Congressional Amendment of Statutes Is Consistent with the Separation of Powers.

“All legislative Powers” are “vested” in Congress. Const. Art. I, § 1. [Constitution. Article One. Section One.] Congress may not transfer that power to another branch of government. Gundy v. United States, 139 S. Ct. 2116, 2121 (2019).

Agencies like the FTC exercise the “executive Power” in Article II. City of Arlington v. FCC, 569 U.S. 290, 304 n.4 (2013). Although some cases suggest that agencies may, within certain bounds, make “policy choices” that “Congress has delegated” to them, Chevron, U.S.A., Inc. v. NRDC, Inc., 467 U.S. 837, 865 (1984), there is no dispute that agencies may not deviate from the instructions Congress sets forth for them in a statutory text, Util. Air. Reg. Grp., 573 U.S. at 327-28. Equally, courts, which “are not part of either political branch of the Government,” Chevron, 467 U.S. at 865, may not rewrite a statute, see Arlington, 569 U.S. at 304-05. Congress’s laws are binding on the courts and the agencies alike. The text of the law is what governs.

### 1NR---AT Agency

#### Agency enforcement actions do NOT expand the scope even if they seemingly appear to

Starek 93 (Roscoe B. Starek, III is a member of the Federal Trade Commission, Commissioner Starek graduated with an A.B. in political science from Syracuse University. He received a Juris Doctor degree from the Washington College of Law at American University. He is a member of the bar in Illinois and in the District of Columbia. 7-3-1993 “HOW REGULATORS DECIDE WHOM TO PROSECUTE: ONE VIEW FROM THE FEDERAL TRADE COMMISSION” Lexis )

This mandate permits the FTC to exercise broad discretion. By enacting broad statutes to effect a common law approach to antitrust and consumer protection law, Congress determined that the executive branch would play a role separate from that of the courts in interpreting the law. Of course, the agency must yield to interpretations of judges in cases before the courts; but the same is not true in determining what constitutes an offense and in deciding whether or not to prosecute. For example, where the agency is convinced that conduct falls within the proscription of the statute, even though no precedent exists involving similar conduct, the agency can initiate an enforcement action. This may appear to expand the scope of the law; however, I think it reflects the agency's application of the law to new circumstances. Of course, any attempt to test the boundaries of the law will be subject to judicial review. The courts, and ultimately the Supreme Court, will say whether the agency's action exceeds the scope of the statute it is supposed to be enforcing.

#### ‘Scope’ refers to authority of law, not actions themselves

Kenneth H. Kato 99, Judge on the Washington Appeals Court, Division Three, “Spokane v. Civil Serv. Comm'n”, Court of Appeals of Washington, Division Three, Panel Four, 98 Wn. App. 574, 576, 989 P.2d 1245, 1246, 1999 Wash. App. LEXIS 2158, 12/21/1999, Lexis

WA[4] [4] The "scope" of a civil service commission or personnel board refers to that body's jurisdiction or power to take various actions. International Ass'n of Firefighters, Local 469 v. City of Yakima, 1990 WL 656208, at \*28 (Wash. Pub. Emp. Rel. Comm'n June 1990). The state personnel board has jurisdiction over a wide range of state employees, with exclusions limited to employees of the Legislature, employees of the judicial branch, statewide elected officials, chief executive officers of agencies, and confidential agency employees. Id. The Spokane Civil Service Commission has jurisdiction over all city employees except (1) elected officials, (2) individuals appointed to boards and commissions, (3) appointed officers as specified by the City charter, (4) seasonal positions, and (5) other positions as excluded by law or the Commission. Thus, the Commission is similar in scope to the state personnel board.

#### The *premise* of one of Khan’s articles is that the FTC already has all the authority they need

1AC Chopra & Khan ’20 [Rohit; Commissioner @ Federal Trade Commission; and Lina; Chairperson @ Federal Trade Commission, JD @ Yale Law School; “The Case for “Unfair Methods of Competition” Rulemaking,” *The University of Chicago Law Review* *87*(2), p. 357-380; date accessed 10/1/21]

Given that the FTC has largely neglected this tool, some may question the Commission’s authority to issue competition rules and the legal status these rules would have.54 Indeed, a common misconception is that this authority is extremely limited because FTC rulemaking is subject to the extensive hurdles posed by the Magnuson-Moss Warranty–Federal Trade Commission Improvements Act55 (“Magnuson-Moss”). In reality, Magnuson-Moss governs only rulemakings interpreting “unfair or deceptive acts or practices.”56 For rules interpreting “unfair methods of competition,” the FTC has authority to engage in participatory rulemaking pursuant to the APA. Several antitrust scholars have affirmed this authority, and the Appendix lays out further background on and discussion of it.57

#### Specifically, to do the aff! (KU BLUE)

1AC Khan ’19 [Lina; Chairperson @ Federal Trade Commission, JD @ Yale Law School; “The Separations of Platforms and Commerce,” *Columbia Law Review* 119(4), p. 973-1098; originally AS]

D. Application: Challenges and Unresolved Questions

Implementing a separations regime presents some first-order questions and challenges. First, how do we define platforms and to which platforms should a separation apply? Second, how does one identify the parameters of the platform, especially when integration provides heightened functionality? Third, what should be the scope of the prohibited activity and how should the prohibition be structured? And fourth, what is the proper institutional mechanism for implementing the separation? This section offers some initial suggestions for how to approach these questions. Arriving at a complete analytical framework for structuring separations in digital markets will require deeper engagement with these issues.

1. Defining Platform. — Offering a clearly bounded definition of “platform” is challenging. Most definitions look to the role that the entity plays in intermediating activity by others. One definition, for example, is “a firm that controls a network, facility, or essential input that those providing a complementary good or service” must “rely on.”635 Another set of definitions focuses on the infrastructure-like role that these firms play, by structuring access to markets or facilitating transactions.636 And some discussions use the terms “network,” “infrastructure,” and “platform” interchangeably.637

Recent studies by policymakers have also settled on the idea that dominant platforms play a unique role that regulators should recognize. In March, the Digital Competition Expert Panel—a panel convened by the U.K. government to study digital markets—issued a report proposing, among other ideas, that dominant platforms that enjoy a “powerful negotiating position” be designated as having a “strategic market status” and be required to abide by a special code of conduct.638 A report commissioned by the European Commission, meanwhile, noted that, by designing marketplace rules that govern millions of users, dominant platforms “function as regulators” that should face a special responsibility to “ensure a level playing field” on their marketplace and “not use [their] rule-setting power to determine the outcome of competition.”639 Given the challenge of offering a bounded definition of “dominant platform,” any definition will likely be under- or over-inclusive. But any definition should seek to capture the degree of market power that the platform enjoys over users.640 How essential is the platform’s infrastructure? To what degree do other businesses depend on the platform to reach users, and what is the cost to businesses of avoiding this platform and using alternative channels? Relevant factors could include: (1) the extent to which the entity serves as a central exchange or marketplace for the transaction of goods and services, including the level of market power that it enjoys in its platform market; (2) the extent to which the entity is essential for downstream productive uses, and whether downstream users have access to viable substitutes for the entity’s services; (3) the extent to which the entity derives value from network effects, and the type of network effects at play; (4) the extent to which the entity serves as infrastructure for customizable applications by independent parties; and (5) the size, scope, scale, and interconnection of the company.

There are no neatly bounded ways to capture these dimensions of platform power. When implementing “maximum separation,” the FCC initially used operating revenue as the criterion for determining which carriers must comply.641 In the context of digital platforms, market share may prove a better proxy than operating revenues, given that it is the platform’s role as a gatekeeper or bottleneck—for which there are no real adequate substitutes—that gives rise to the relevant harms.

The prohibition should be centered on the activities that the platform facilitates as a bottleneck. Since a key goal of the separations regime is to eliminate the conflict of interest that arises when a dominant platform directly competes with the firms using the platform,642 only activity that would place platforms in direct competition in this way would be subject to the prohibition. This would not prevent platforms from integrating into lines of business that do not rely on the platform market. Nor would such a separations regime target conglomeration or vertical integration categorically; it would instead focus on platform entry into markets that creates the ability and incentive to discriminate, to leverage dominance, and to use information collected on firms as customers against them as competitors.

2. Distinguishing Between Platform and Commerce. — Applying separations to digital platforms would likely raise the challenge of identifying what constitute distinct products or services. In Microsoft, for example, the court had to determine whether the operating system and the browser—the two products the government claimed Microsoft had “tied”—should be considered a single integrated system.643 Microsoft argued that bundling new functionality into old products was a basic component of technological evolution.644 A similar issue may arise with digital platforms: Android, for example, could claim that certain apps must be integrated with its operating system in order to provide basic functionality or for technical necessity.

The traditional metric for assessing whether a set of bundled products constitute separate products is consumer demand. In Microsoft, the D.C. Circuit relied on Jefferson Parish’s consumer-demand test to determine whether consumers preferred a choice in browsers.645 Applying a similar inquiry in the platform context could similarly help identify whether integration of distinct functionalities should be viewed as an integrated system or as a platform. Regulators would also have the capacity to determine, over time, whether certain apps or features were necessary for basic functionality and whether the benefits of integration were sufficiently high to offset any potential harms to innovation. There may also be specific apps or functionalities where innovation is less likely to be transformative, and therefore where integration may prove fewer risks. As with earlier regimes, periodic reassessment and revisions would prove necessary to ensure the separation continued to accord with and reflect evolving market realities.

3. Institutional Mechanism and Timing. — A separations regime separating platforms and commerce could be implemented through statute or rulemaking or as antitrust remedies (under existing or new antitrust law). A statute from Congress could also establish the principle of separating platforms from commerce—as was the case with banking— with the specific authority to design and implement separations delegated to an agency. This approach would benefit from having an expert agency design and revisit the separation. Absent new legislation, the FTC could use its Section 5 authority to implement a separations principle through rulemaking.646 Designing separations only through rulemaking would require the agency to create rules of general applicability and— absent a specific congressional mandate—could limit the agency’s ability to structure highly tailored separations. Antitrust remedies would be costlier and take significantly longer, requiring the government or a private party to successfully show anticompetitive conduct and effects stemming from a digital platform’s involvement in multiple markets.

Given the enfeebling of antitrust doctrines that police single-firm anticompetitive conduct—and the judicial requirement that remedies be carefully tailored to competitive harm—this path is likely to be significantly more challenging.647 Previous instances of structural separations offer a few models for structuring these prohibitions. An operational or functional separation requires the firm to create separate divisions within the firm, requiring that a platform wishing to engage in commerce may do so only through a separate and independent affiliate, which the platform may not favor in any manner. A full structural separation, by contrast, requires that the platform activity and commercial activity be undertaken through separate corporations with distinct ownership and management. For example, the functional approach would permit Alphabet to operate Google search and vertical services that produce content so long as the two complementary services are structured as separate affiliates. The second option would prohibit Alphabet from running both the platform service and the complementary service, requiring that one be spun off and run by an independent owner.

It’s not clear that anything short of a full structural separation would be sufficient, especially given the risks of information misappropriation. While running complementary services as affiliates could be accompanied by information firewalls, the efficacy of firewalls requires close monitoring.648 Evidence shows that the antitrust agencies have neglected to fully monitor and enforce conduct remedies in the past.649 Moreover, firewalls may prove especially difficult to monitor in the context of digital platforms, given the heightened information asymmetries between private platform firms and public enforcers. It is possible that the risk of information misappropriation may vary by platform—but dominant platforms should carry the burden of establishing why operating complementary services as affiliates would not be anticompetitive.

Finally, a basic challenge facing regulators and enforcers when dealing with high-tech industries is the role of timing. Because these markets can evolve quickly, market changes can render regulatory interventions obsolete.650 Similarly, the failure to intervene can leave exclusionary conduct unchecked, resulting in path-dependent reductions in innovation. Any subsequent attempt to impose separations should include a built-in review process every two to three years, to ensure that the remedy still matches the market conditions.65

**Expand the scope” excludes agency interpretation**

**Cook 95** – Judge, Illinois Appeals Court, Fourth District

Justice COOK delivered the opinion of the court. Opinion in Springwood Assoc. v. Health Facilities Planning Board, 646 NE 2d 1374 - Ill: Appellate Court, 4th Dist. 1995, Google scholar caselaw

With regard to the Board's position, we note that the regulations must control in the event of a conflict between the regulations and the application instructions. The regulations have the force and effect of law ( Union Electric, 136 Ill. 2d at 391, 556 N.E.2d at 239); the application and instructions do not. The application and instructions merely represent the Board's interpretation of the information which it needs in order to determine the need for a proposed project. While such an interpretation is entitled to some deference, it is not binding on a court. Further, an **agency interpretation cannot expand** or limit **the scope of the** relevant **statute**. ( Van's Material Co. v. Department of Revenue (1989), 131 Ill. 2d 196, 202-03, 545 N.E.2d 695, 699, 137 Ill. Dec. 42.) The regulation in question here required "market studies of the area indicating the characteristics of the population to be served." ( 77 Ill. Adm. Code § 1110.230(a)(1) (1992-93).) This is not the same as a memo of the facility's own internal experiences. Other interested parties cannot easily question the facility's own internal reports. The fact that many of a facility's present patients are from a given area does not necessarily predict the future population of the facility.

#### Increasing enforcement of existing law doesn’t not ‘expand’ its ‘scope’

Anne K. McKeig 20, Judge on the Minnesota Supreme Court, “Aim Dev. (USA), LLC v. City of Sartell”, 946 N.W.2d 330, 338-340, 2020 Minn. LEXIS 350, 7/15/2020, Lexis

We determined that the landowner could upgrade his equipment so long as the new equipment was "merely an improvement over the previous method and did not constitute a change in the nature and purpose of the original use." Id. at 866-67. Our holding recognized that landowners are not confined to exercising their nonconforming use rights with outdated or inefficient equipment if it is possible to make improvements that are consistent with the original use [\*\*15] of their land.

We also considered whether increasing the size of the gravel pit violated the city's ordinance. We acknowledged that "[i]f the [property owner] [were] to be limited to the area of land actually excavated at the time of the adoption of the ordinance, the restriction, in effect, [would] prohibit[] any further use of the land as a gravel pit." Id. at 865. Accordingly, we concluded [\*339] that "by the very nature of that business [the landowner] had to expand the area of its operation or be deprived of all value." Hawkinson, 231 N.W.2d at 282 (discussing Hawkins).

Other jurisdictions share similar concerns regarding the nonconforming rights of certain special use properties (such as quarries, gravel pits, and landfills), and have adopted a more flexible approach that takes the nature of nonconforming operations into account. See Bauer, 662 A.2d at 1192; Eddins v. City of Lewiston, 150 Idaho 30, 244 P.3d 174, 178 (Idaho 2010) (using a "flexible approach that focuses on the character of the alleged enlargement or expansion on a case-by-case basis"); Jones v. Town of Carroll, 15 N.Y.3d 139, 931 N.E.2d 535, 537-38, 905 N.Y.S.2d 551 (N.Y. 2010) (noting that "the use of property as a landfill, like a mine, is unique because it necessarily envisions that the land itself is a resource that will be consumed over time"); Chartiers Twp. v. William H. Martin, Inc., 518 Pa. 181, 542 A.2d 985, 989 (Pa. 1988) (upholding the right of the owner of a nonconforming landfill to increase the daily intake [\*\*16] of solid waste); see also Point San Pedro Rd. Coal. v. Cty. of Marin, 33 Cal. App. 5th 1074, 245 Cal. Rptr. 3d 580, 584 (Cal. Ct. App. 2019); but see Twp. of Fairfield v. Likanchuk's, Inc., 274 N.J. Super. 320, 644 A.2d 120, 124 (N.J. Super. Ct. App. Div. 1994) (explaining that "simply because the nature of the use involves a diminishing asset does not necessarily justify its expansion"); Huckleberry Assocs., Inc. v. S. Whitehall Twp. Zoning Hearing Bd., 120 A.3d 1110, 1115 (Pa. Commw. Ct. 2015) (limiting the scope of a landowner's nonconforming use right to operate a surface mine and quarry to the "natural expansion" of that use).

Here, nonindustrial, non-toxic waste is required for the existing operation of a nonconforming waste facility. AIM Development's proposal, with respect to the source of waste, seeks to replace a depleted source with viable waste streams. In this instance, denying AIM Development's request to replace the sources of waste would truncate the landowner's vested right to continue to operate an industrial waste facility.

Our holding today is consistent with the reasoning in Hawkinson and Claussen. In Hawkinson, a multi-lot resort owner wished to expand his unzoned lakeshore property for recreational-commercial purposes when the area was zoned for residential use. 231 N.W.2d at 280. We assessed the landowner's actual use of property, lot by lot, without regard for his comprehensive, but unrealized, design. Id. at 282. Ultimately, we upheld the application of zoning restrictions. Id. We noted, "[w]hile it is true that [\*\*17] [the landowner's] long-range plans have been frustrated, he is not prevented from carrying on at the same level [that was] obtained before the zoning ordinance was adopted." Id. When the same reasoning is applied here, it is clear that precluding AIM Development from replacing its waste stream would do more than "frustrate" its long-term plans. Without new sources of waste, the landowner would be prevented from carrying on altogether.

In Claussen, the landowner wished to enclose his nonconforming, open-air business. 203 N.W.2d at 324. The landowner asserted that the shelter would likely make the nonconformity less disruptive to [\*340] the surrounding area. See id. While that might have been true, we noted that the sheltered workspace would also have unreasonably prolonged the lifespan of the nonconformity and made it more difficult to convert the land to a different use when the nonconformity was eliminated. Id. In addition, a sheltered workspace would change the nature of the operations by allowing the landowner to conduct business during the harsh winter months that could not be completed outside. See id. We held that "construction of a building where none existed before constitutes an expansion of a nonconforming [\*\*18] use in the same manner as an addition to an existing building." Id. Ultimately, because a sheltered workspace was not required for the landowner to continue his nonconforming business, his proposal was denied. See id. at 327.

HN13 Similarly, we have long recognized that the reasonable substitution of equipment used in the operation of a nonconforming business is not an expansion as long as the nature and purpose of the original use remains unchanged. See Hawkins, 80 N.W.2d at 866-67. We choose to treat the reasonable substitution of materials the same. See Eddins, 244 P.3d at 179 (allowing the reasonable substitution of materials and equipment).

**Augmenting enforcement doesn’t expand the scope**

Kendall **Kuntz ’21**, 2/23, “Can the Courts and New Antitrust Laws Break Up Big Tech?” UNIVERSITY OF MARYLAND FRANCIS KING CAREY SCHOOL OF LAW, https://www.law.umaryland.edu/Programs-and-Impact/Business-Law/JBTLOnline/Break-Up-Big-Tech/

If you have a social media profile on Facebook, have shopped online on Amazon, have run a search on Google, or have purchased an application through Apple's App Store, you have interacted with Big Tech. Big Tech refers to the major technology companies including Apple, Google, Amazon, and Facebook. Big Tech is known for its dominance in online searching, advertising, social networking, and shopping, but in 2020, a great deal of its publicity surrounded an investigation by Congress for violations of antitrust law. For years, Big Tech has been using its power to suppress market competition and engage in “take it or leave it” business negotiations, thereby evading antitrust regulation that is “overwhelmingly focused on the welfare of the consumer." The **U**nited **S**tates Government has begun the process of attempting to break up Big Tech by filing a flurry of lawsuits against Big Tech, including against Google and Facebook, and by proposing legislation aimed at checking Big Tech power, **expanding the scope of** current **antitrust laws**, and **augmenting enforcement resources**.

There are three **core antitrust laws in effect today**: the Sherman Act, the Clayton Act, and the **F**ederal **T**rade **C**ommission Act. These three antitrust laws attempt to protect market competition for the benefit of consumers. The Sherman Act outlaws monopolies and contracts that unreasonably restrain trade. The Clayton Act prohibits mergers and acquisitions that substantially lessen competition or create a monopoly. Lastly, the Federal Trade Commission Act bans “unfair methods of competition” and “unfair or deceptive acts or practices.” Antitrust laws are not established to punish success, but are focused on preventing anticompetitive effects, exclusionary practices, reduced consumer choice, and hindered innovation.

From June 2019 through October 2020, Congress examined the digital dominance and business practices of Amazon, Apple, Google, and Facebook to determine how their market power affected the economy and democracy. Congress found that the totality of the evidence demonstrated that Big Tech has too much monopoly power, and it must be reined in to protect economic freedom and encourage fair market competition. Congress also reviewed **existing antitrust laws** and determined that such laws needed to be strengthened.

#### Expansion of scope requires an increase---that excludes alterations in terms of enforcement that keep the scope the same.

Clements 08 – Judge, Virginia Appeals Court

Jean Harrison Clements, Wise v. Velazquez, 2008 Va. App. LEXIS 489, Court of Appeals of Virginia, November 2008, LexisNexis

Discounting the terms of the award subject entirely to father's discretion, it is clear that the trial court awarded grandmother essentially the same visitation it had previously awarded her in the July 30, 2004 consent order--a minimum each month of two full days--except that father now had complete discretionary control over when the two days of visitation would occur since the visitation was no longer required to be on Saturdays. Thus, in light of the fact that the current visitation order provides the same amount of visitation that the original consent order did, and actually provides father more discretionary control over that visitation, we cannot say that the trial court's award of visitation to grandmother constitutes an expansion of the scope of visitation beyond what was originally agreed upon by the parties and ordered by the court in the July 30, 2004 consent visitation order.

**The FTC can tinker but can’t expand the scope**

**Ohlhausen 14** (Maureen K. Ohlhausen-Commissioner, US Federal Trade Commission. “Section 5 of the FTC Act: principles of navigation “ , *Journal of Antitrust Enforcement*, Volume 2, Issue 1, April 2014, Pages 1–24, <https://doi.org/10.1093/jaenfo/jnt013> , date accessed 9/3/21)

The article is structured as follows. The following section, ‘A sea of uncertainty’, briefly addresses the history of the FTC Act and then explains the need for the FTC to issue a Section 5 policy statement. The next section, ‘Proposed principles of navigation’, argues that Section 5 ought to be viewed as economic, rather than social, regulation. As such, Section 5 can and should be viewed through the same regulatory lens as rulemaking and other actions taken by regulatory agencies. The section ‘Drawing the UMC boundaries’ sets forth six criteria—based on regulatory principles with a strong, bipartisan pedigree—that the FTC should satisfy in pursuing any Section 5 enforcement. The section ‘Charting the UMC course’ argues that UMC enforcement should extend only a very limited amount beyond the antitrust laws and provides the author’s views on the applicability of Section 5 to certain specific types of conduct. The final section, ‘Staying the antitrust course’, suggests how the FTC should prioritize its competition efforts. In particular, the section discusses how many of the unique features of the FTC cited by proponents of expanding UMC enforcement should be used to further **develop and improve the antitrust laws** **rather** **than expand the scope** of Section 5.

#### The plan increases action within the scope, but doesn’t expand it

Lexis No Date (Lexis Headnotes/Summary for “Goodloe v. Memphis & C. R. Co.”, Supreme Court of Alabama, 107 Ala. 233, 238, 18 So. 166, 166, 1894 Ala. LEXIS 35, 11/1/1894, Lexis)

\*modified in brackets

Counsel: JACKSON & SAWTELLE and J. H. NATHAN for the appellant.--The relation of carrier and passenger begins, when, a contract of carriage having been made, or the passenger having been accepted as such by the carrier, or, having the bona fide intention of taking passage by a particular train, he has come, within a reasonable time, before the expected arrival of the train, upon the carrier's premises; and that relation continues, until his journey is completed. To him, then, the premises of the carrier, with its buildings and approaches, grounds, modes of ingress and egress to its grounds and stations and trains should be a place of [\*\*\*3] security from injury; in some instances coming even from strangers; in all cases coming from the carrier's own agents and servants. 2 Am. & Eng. Ency. Law, pp. 744-5; Batton v. S. & N. R. R. Co., 77 Ala. 593; 2. Rorer on Railroads, 951; A. G. S. R. R. Co. v. Arnold, 80 Ala. 607. Appellant being a passenger, and, when injured, still within the circle of protection, the duty of the carrier to him required of it the exercise of the highest degree of care for his safety.--Christie v. Griggs, 2 Camp. 79; Sharp v. Gray, 9 Bing. 457; F. & St. L. R. R. Co. v. Horst, 93 U.S. 291; M. & M. R. R. Co. v. Blakely, 59 Ala. 477; Penn. R. R. Co. v. Roy, 102 U.S. 451; Tanner v. L. & N. R. R. Co., 60 Ala. 621; B. & O. R. R. Co. v. Worthington, 21 Md. 275. While he was such passenger, he was injured by the servant of the carrier, and the appellee is liable in this action.--Snow v. Pittsburg Railroad Co., 136 Mass. 552; Ramsden v. Boston Railroad Co., 104 Mass. 117; L. & N. R. R. Co. v. Kelley, 13 Am. & Eng. R. R. cases, 1; Hutch. on Carr. (2d Ed.) § 595, et seq.; Goddard v. Railway Co., 57 Me. 202; Hanson v. Railway Co., 62 Me. 84. Under the facts of this case the appellant claims that, as to him, the [\*\*\*4] servant was in the course or scope of his duty, and that it can make no difference, if the act of the servant was unauthorized by the carrier, or even contrary to its orders. It is insisted by counsel for appellee, that "scope of duty" means the limits of exact and correct performance by the servant or agent of his employment; but it is manifest that, if such were the construction of it, there could never be any liability of the master for the negligence or misconduct of his servant. Webster defines "scope" as the ultimate design, aim, or purpose; intention; drift; object. If one is engaged in carrying out the purpose, or object, for which he was employed, [they are] ~~he is~~ acting within the scope, the area, of his duty. The better form of expression often used, as fixing the limits of the liability of the master for the action of the servant is, "course of employment." In that sense it is used in many cases, and in those most approved.--Mulligan v. N. Y. & R. B. R. R. Co., 129, N. Y. 512.

**The only way for the FTC to expand the scope is by lobbying Congress to enact changes**

**Hedger 21** (Patrick Hedger is the Vice President of Policy for Taxpayers Protection Alliance. “House Antitrust Package is Anti-Consumer” , <https://www.protectingtaxpayers.org/antitrust/house-antitrust-package-is-anti-consumer/> , June 11, 2021, date accessed 9/3/21)

The final bill, the Merger Filing Fee Modernization Act sponsored by Rep. Neguse (D-Co.) is undoubtedly the least controversial of the entire package. That said, the bill lacks necessary constraints on how the DOJ and FTC use the increased funding the bill provides. It is no secret that the current majority at the FTC **seeks to** significantly **expand the scope** of antitrust enforcement to **push** policy priorities that are entirely divorced from competition policy. **Congress shouldn’t green-light this** undermining of the democratic and legislative process using consumer dollars. There is a serious discussion to be had as to whether or not the DOJ and FTC are properly resourced to enforce the law as it stands, but the administration should not be provided consumer dollars to shape the law as they wish.

#### Ancillary additions to the expression of antitrust law are not ‘expansion’

Loren E. Murphy 47, Chief Justice of the Illinois Supreme Court, Federal Electric Co. v. Zoning Bd. of Appeals, 398 Ill. 142, 145-146, 75 N.E.2d 359, 361-362, 1947 Ill. LEXIS 467, \*6-7 (Ill. September 18, 1947), 9/18/1947, Lexis

The question is squarely presented as to whether the placing of the neon signs on the towers expanded the use to which the property had been previously devoted. The restrictive part of the ordinance which prohibits expansion refers to the nonconforming [\*\*362] use of the property. Literally, it provides that the use may be continued but it cannot be [\*146] expanded. Webster's International Unabridged Dictionary defines the word "expand," to extend, to enlarge. The application of such definition to the word "expanded" as contained in section 10 would mean that the use that was being conducted on the premises at the time of the adoption of the ordinance could not be extended or enlarged. The placing of the neon signs on the towers did not expand or enlarge the use to which the property was devoted. [\*\*\*7] It may have been installed for advertising purposes, hoping that it would result in a gain of its business, but there is nothing in the record which indicates that such advertising would be followed by any expansion or enlargement of the laboratory experiments that were being conducted on the property. Zenith had the right to continue its nonconforming use and the right to advertise that use and the products it was handling, so long as it did not expand the use to which the property was devoted when the ordinance was adopted.