# NDT—ROcts—Mich PS v Kansas MS

## 1NC

### 1NC---FTC DA

#### FTC fraud prevention is funded now---unexpected demands trade off

Bilirakis et al. 21 (Gus Michael Bilirakis is an American lawyer and politician serving as the U.S. Representative for Florida's 12th congressional district since 2013; Hon. Noah Joshua Phillips is a Commissioner at the Federal Trade Commission; Hon. Lina Khan is the Chair of the Federal Trade Commission, “Transforming the FTC: Legislation to Modernize Consumer Protection,” *Committee on Energy and Commerce*, 6/28/21, <https://energycommerce.house.gov/committee-activity/hearings/hearing-on-transforming-the-ftc-legislation-to-modernize-consumer>)

Gus Bilirakis (3:12:44): Thank you. Our committee has worked extensively in a bipartisan manner to protect consumers from fraud and scams. Mr. Carter's Combating Pandemic Scams Act was enacted at the beginning of the year thanks to all of our leadership here. Representive Blunt Rochester's Fraud and Scam Reduction Act, as well as Representative Kelly's Protecting Seniors from Emergency Scams Act both cleared our chamber with bipartisan support this year. My bill, HR 2672, the FTC Reports Act, would require the FTC to report on fraud against our seniors. Commissioner Philips, how important is the work the FTC staff does to protect Americans from scams? Noah Josuha Phillips (3:13:33): Congressman, thank you for your question. The work we do to protect American consumers against frauds and scams, is our bread and butter as an agency. There is no work that makes me feel better as a commissioner, when we watch our ability to find bad guys, or taking money from American consumers, dipping into their life savings, and get that money back to them. So the work that you have done on the committee to provide funding, to provide tools for us to go after scam artists, is critical. And I think that needs to continue with the agency. Gus Bilirakis (3:14:05): Thank you, and Chair Khan, again, as you pursue other initiatives, when staff and resources be shifted away from the fraud program, which is so essential in preventing bad actors from harming our constituents? That's the question, please. Lina Khan (3:14:22): Sorry, could you repeat the question - when should services be shifted... Gus Bilirakis (3:14:26): Yes, of course. As you pursue other initiatives, when staff and resources be shifted away from your fraud program, which is so essential in preventing bad actors from harming our constituents? Lina Khan (3:14:40): Well, of course, we're always limited by the appropriations bills when it comes to thinking through how we're delegating resources across the agency. In certain instances, I think there are exigent needs that can arise in certain aspects. Gus Bilirakis (3:14:54): But you don't anticipate moving money from the fraud program, is that correct? Lina Khan (3:15:00): Not especially, but I mean, I think overall, we are trying to look through the prism of managerial efficiency and trying to understand how we can best use our resources, especially given some of the exigent circumstances and so we'll be continuing to make those determinations. Gus Bilirakis (3:15:15): I suggest that you not because this is such a very important program. Commissioner Wilson, can you elaborate on why the FTC Reports Act would also prove beneficial to increasing much needed transparency and the flow of information within the commission?

#### Countering fraud is central to every element of terror operations

Perri 10, J.D., CFE, CPA(Frank, “The Fraud-Terror Link: Terrorists are Committing Fraud to Fund Their Activities,” Fraud Magazine, <https://www.fraud-magazine.com/article.aspx?id=4294967888>)

The threat of terrorism has become the principal security concern in the United States since 9/11. Some might perceive that fraud isn’t linked to terrorism because white-collar crime issues are more the province of organized crime, but that perception is misguided. Terrorists derive funding from a variety of criminal activities ranging in scale and sophistication – from low-level crime to organized narcotics smuggling and fraud. CFEs need to know the latest links between fraud and terror. Credit card fraud, wire fraud, mortgage fraud, charitable donation fraud, insurance fraud, identity theft, money laundering, immigration fraud, and tax evasion are just some of the types of fraud commonly used to fund terrorist cells. Such groups will also use shell companies to receive and distribute illicit funds. On the surface, these companies might engage in legitimate activities to establish a positive reputation in the business community. Financing is required not just to fund specific terrorist operations but to meet the broader organizational costs of developing and maintaining a terrorist organization and to create an enabling environment necessary to sustain their activities. The direct costs of mounting individual attacks have been relatively low considering the damage they can yield. “Part of the problem is that it takes so little to finance an operation,” said Gary LaFree, director of the University of Maryland’s National Consortium for the Study of Terrorism and Responses to Terrorism.2 For example, the 2005 London bombings cost about $15,600.3 The 2000 bombing of the USS Cole is estimated to have cost between $5,000 and $10,000.4 Al-Qaida’s entire 9/11 operation cost between $400,000 and $500,000, according to the final report of the National Commission on Terrorist Attacks Upon the United States.5 Terrorist groups require significant funds to create and maintain an infrastructure of organizational support, sustain an ideology of terrorism through propaganda, and finance the ostensibly legitimate activities needed to provide a veil of legitimacy for their shell companies.6 However, don’t think that only large operations are needed for terrorists to carry out attacks; small semi-autonomous cells in many countries are often just as capable of conducting disruptive activities without extensive outside financial help – they just conduct smaller-scale frauds.7 Even though the nexus between fraud and terrorism is undisputed, there’s concern at state and local levels that law enforcement professionals lack specialized knowledge on how to detect the fraud-terror link because they’re more apt to investigate and prosecute violent crimes.8 A critical lack of awareness about terrorists’ links to fraud schemes is undermining the fight against terrorism. Fraud analysis must be central, not peripheral, in understanding the patterns of terrorist behavior.9

#### Nuclear war---cash is key

Hayes 18, Executive Director of the Nautilus Institute for Security and Sustainability, Ph.D. in Energy and Resources from the University of California-Berkeley, Professor of International Relations at RMIT University (Dr. Peter J., “Non-State Terrorism and Inadvertent Nuclear War”, NAPSNet Special Reports, 1/18/2018, <https://nautilus.org/napsnet/napsnet-special-reports/non-state-terrorism-and-inadvertent-nuclear-war/>)

The critical issue is how a nuclear terrorist attack may “catalyze” inter-state nuclear war, especially the NC3 systems that inform and partly determine how leaders respond to nuclear threat. Current conditions in Northeast Asia suggest that multiple precursory conditions for nuclear terrorism already exist or exist in nascent form. In Japan, for example, low-level, individual, terroristic violence with nuclear materials, against nuclear facilities, is real. In all countries of the region, the risk of diversion of nuclear material is real, although the risk is likely higher due to volume and laxity of security in some countries of the region than in others. In all countries, the risk of an insider “sleeper” threat is real in security and nuclear agencies, and such insiders already operated in actual terrorist organizations. Insider corruption is also observable in nuclear fuel cycle agencies in all countries of the region. The threat of extortion to induce insider cooperation is also real in all countries. The possibility of a cult attempting to build and buy nuclear weapons is real and has already occurred in the region.[15] Cyber-terrorism against nuclear reactors is real and such attacks have already taken place in South Korea (although it remains difficult to attribute the source of the attacks with certainty). The stand-off ballistic and drone threat to nuclear weapons and fuel cycle facilities is real in the region, including from non-state actors, some of whom have already adopted and used such technology almost instantly from when it becomes accessible (for example, drones).[16]

Two other broad risk factors are also present in the region. The social and political conditions for extreme ethnic and xenophobic nationalism are emerging in China, Korea, Japan, and Russia. Although there has been no risk of attack on or loss of control over nuclear weapons since their removal from Japan in 1972 and from South Korea in 1991, this risk continues to exist in North Korea, China, and Russia, and to the extent that they are deployed on aircraft and ships of these and other nuclear weapons states (including submarines) deployed in the region’s high seas, also outside their territorial borders.

The most conducive circumstance for catalysis to occur due to a nuclear terrorist attack might involve the following nexi of timing and conditions:

1. Low-level, tactical, or random individual terrorist attacks for whatever reasons, even assassination of national leaders, up to and including dirty radiological bomb attacks, that overlap with inter-state crisis dynamics in ways that affect state decisions to threaten with or to use nuclear weapons. This might be undertaken by an opportunist nuclear terrorist entity in search of rapid and high political impact.
2. Attacks on major national or international events in each country to maximize terror and to de-legitimate national leaders and whole governments. In Japan, for example, more than ten heads of state and senior ministerial international meetings are held each year. For the strategic nuclear terrorist, patiently acquiring higher level nuclear threat capabilities for such attacks and then staging them to maximum effect could accrue strategic gains.
3. Attacks or threatened attacks, including deception and disguised attacks, will have maximum leverage when nuclear-armed states are near or on the brink of war or during a national crisis (such as Fukushima), when intelligence agencies, national leaders, facility operators, surveillance and policing agencies, and first responders are already maximally committed and over-extended.

At this point, we note an important caveat to the original concept of catalytic nuclear war as it might pertain to nuclear terrorist threats or attacks. Although an attack might be disguised so that it is attributed to a nuclear-armed state, or a ruse might be undertaken to threaten such attacks by deception, in reality a catalytic strike by a nuclear weapons state in conditions of mutual vulnerability to nuclear retaliation for such a strike from other nuclear armed states would be highly irrational.

Accordingly, the effect of nuclear terrorism involving a nuclear detonation or major radiological release may not of itself be *catalytic* of *nuclear* war—at least not intentionally–because it will not lead directly to the destruction of a targeted nuclear-armed state. Rather, it may be catalytic of non-nuclear war between states, especially if the non-state actor turns out to be aligned with or sponsored by a state (in many Japanese minds, the natural candidate for the perpetrator of such an attack is the pro-North Korean General Association of Korean Residents, often called Chosen Soren, which represents many of the otherwise stateless Koreans who were born and live in Japan) and a further sequence of coincident events is necessary to drive escalation to the point of nuclear first use by a state. Also, the catalyst—the non-state actor–is almost assured of discovery and destruction either during the attack itself (if it takes the form of a nuclear suicide attack then self-immolation is assured) or as a result of a search-and-destroy campaign from the targeted state (unless the targeted government is annihilated by the initial terrorist nuclear attack).

It follows that the effects of a non-state nuclear attack may be characterized better as a *trigger* effect, bringing about a *cascade* of nuclear use decisions within NC3 systems that shift each state increasingly away from nuclear non-use and increasingly towards nuclear use by releasing negative controls and enhancing positive controls in multiple action-reaction escalation spirals (depending on how many nuclear armed states are party to an inter-state conflict that is already underway at the time of the non-state nuclear attack); and/or by inducing concatenating nuclear attacks across geographically proximate nuclear weapons forces of states already caught in the crossfire of nuclear threat or attacks of their own making before a nuclear terrorist attack.[17]

### 1NC---EU CP

#### The European Union should enact and enforce global prohibitions on anticompetitive business practices by healthcare entities in the private sector, including those that result in abuse of market power.

#### The EU solves globally, including in the US.

Bradford 20, the Henry L. Moses Distinguished Professor of Law and International Organization at the Columbia Law School. (Anu, The Brussels Effect: How the European Union Rules the World, pp. 56-7)

“Legal non-divisibility” refers to legal requirements and remedies as drivers of uniform standards. It typically manifests itself as a spillover effect that follows from the corporation’s compliance with the laws of the most stringent jurisdiction. Global mergers provide an illustrative example in that they cannot be consummated on a jurisdiction-by-jurisdiction basis. Instead, the most stringent competition jurisdiction gets to determine the worldwide fate of the transaction.186 For example, when the EU requires the company to spin off an asset as a condition for approving a merger—like ordering a divestiture of a production plant—such a divestiture cannot be consummated in the EU only. For the same reason, whenever the EU prohibits an anticompetitive merger, the transaction is banned worldwide. Facing the EU prohibition, the only way to proceed with the merger would require the parties to carve out enough assets from the transaction to strip the EU of jurisdiction over the merger. Given the importance of the EU market, such restructuring of the deal would often require a complete withdrawal from the EU market, removing the business rationale for the merger. This makes it all but impossible to circumvent the EU jurisdiction in practice. Cartel remedies often have a similarly global effect. Leniency programs designed to destabilize cartels by incentivizing cartel participants to act as whistle-blowers often dissolve the cartel across all jurisdictions.187 Thus, even if the European Commission implemented a leniency program aimed at seizing collusion that affects prices in Europe, cooperation with the Commission is likely to also unravel the collusion in other markets. This is because the trust sustaining the cartel among participating firms dissipates with such a defection. Similarly, if the Commission detects and pursues a cartel following its own investigation (as opposed to following a leniency application), the cartel participants likely abandon collusion worldwide. The cartel participants know that the Commission investigation will likely alert foreign authorities to the possibility of collusion in their markets as well, making the operation of the cartel in practice non-divisible whenever a major jurisdiction such as the EU proceeds to dismantle it. While not manifesting a pure form of legal non-divisibility, legal risks associated with compliance errors induce companies to adopt internal policies that govern the company’s global operations. These company-wide policies typically reflect the legal standards prevailing in the most demanding jurisdiction. For example, even if price fixing remains remains unregulated and hence potentially beneficial in some markets, most companies refrain from colluding even in those markets. Multinational corporations typically maintain a global compliance manual that prohibits discussion of prices with competitors regardless of the jurisdiction involved. This ensures that noncompliance does not accidentally spill into company practices in markets that maintain stringent regulation on price fixing, exposing the company to legal liability. When the management can monitor internally consistent company policies across all the markets in which the company operates, the risk-adjusted compliance costs are lower. This need to minimize compliance errors is even greater for listed companies because the stock price is not affected only by the legal risks materializing in the listing jurisdiction. Instead, the prospect of legal liability in any jurisdiction can destabilize a company’s operations worldwide, adversely affecting its stock price.

#### Antitrust leadership is key to EU soft power.

Bradford 20, the Henry L. Moses Distinguished Professor of Law and International Organization at the Columbia Law School. (Anu, The Brussels Effect: How the European Union Rules the World, pp. 23 )

The economic goal of ensuring a level playing field for, and protecting the competitiveness of, European industry likely goes a long way in explaining the EU’s willingness to externalize its regulatory agenda. A failure to export its standards to other countries would put European firms at a competitive disadvantage.77 Yet by acting as a global regulator, the EU can defend its social preferences without compromising the competitiveness of its domestic industries. If foreign companies adhere to EU norms on the European market, the import-competing industries are assured a level playing field. If the EU’s norms further spread to third countries, the EU can ensure that its export-oriented firms are not disadvantaged either. Being able to influence global standards minimizes the adjustment costs for European companies, which are then able to operate in foreign markets based on their home market rules. Beyond the concern over the competitiveness of the European industry, the EU may have additional incentives to project its regulatory power abroad. For one, the EU may be motivated by a desire to obtain greater legitimacy for its rules through globalizing them. If foreign companies and governments endorse EU standards, those standards are seen as having a wider appeal and thus greater legitimacy.78 One concrete benefit from this is that the EU’s trade partners are less likely to challenge the legality of EU standards before forums like the WTO if those standards are already replicated globally. Less tangibly, being the global standard setter has the benefit of expanding the EU’s soft power and validating its regulatory agenda, both at home and abroad.

#### EU soft power solves extinction.

Hague 22 (The Hague Conversations on the future of Europe in the World, 2-22-2022, “The Hague in Europe, Europe in the World,” pg. 2)

(a) Europe, our common home, and its place in the world

Europe is our common home. For 450 million citizens across 27 member states, the European Union is the vehicle that drives the quest for peace and prosperity on the continent; its institutions put into practice our common aspirations and regulate our economy, and increasingly, our way of life. Overall, and regardless of shortcomings and disappointments, the European project has worked, kept peace between the EU member states, improved individual and collective rights, extended prosperity, and generally made the continent a force for good in the world.

There is, however, neither room nor time for complacency. A range of existential challenges are now looming – from climate change to the consequences of the COVID-19 pandemic; from the threat of war close to us to the erosion of hardly gained fundamental rights and freedoms across the world. It is clear that not only are past achievements not easily expanded and sustained, but there is now a threat that many of them can be reversed. Thus, the safety and security of EU citizens cannot be seen or addressed in narrow terms of hard power projection only. The EU, as the only potential soft-power superpower, needs to be able to identify how to use different tools in tandem with each other as it faces the challenges ahead.

### 1NC---Injunction PIC

#### Plan: The United States federal government should substantially increase treble damage remedies on anticompetitive business practices by healthcare entities in the private sector, including those that result in abuse of market power and are exempt from its core antitrust laws.

#### The counterplan competes. The aff is a publicly enforced prohibitory injunction, the counterplan is a damages remedy. These are distinct approaches to enforcement.

Standen 95, Professor @ Willamette University College of Law (Jeffrey, “THE FALLACY OF FULL COMPENSATION,” *Washington U Law Review*, 73.1)

Prohibitory remedies function in an opposite manner from damages: they implicitly or explicitly reject the market value of loss as an appropriate measure of compensation. Instead, prohibitory remedies provide, by judicial order, superior substitutionary or specific relief. Essentially, prohibitory remedies justify judicial intervention into and curtailment of market-based decisions on the promise of awarding greater compensation and generating greater deterrence. B. Injunctions The injunction is the paradigmatic prohibitory remedy. It is explicitly risk-based, issued to stop a threat of an inchoate harm.3 Its aim is, at a minimum, to prohibit defendant's conduct that might lead to harm; occasionally it will take the further step of mandating certain conduct to lessen the risk of harm to an even greater extent.32 The injunction is issued under the power of a government agent by court order, and it enforces that power through public remedies, including coercive measures or punitive sanctions.33 Unlike damages, which depend upon a defendant's "correct" calculation of risks and gains, the injunction attempts to avoid harmful actions through public orderings.34 As a result of the alleged demise of the "irreparable injury" rule, the traditional limitation on the use of injunctions has been removed. An increased use of the injunction promises to impact significantly on the roles of the plaintiff and the judge in minimizing harmful behavior, an impact that renders the injunction a problematical device for achieving remedial goals. The Rebirth of Equity Equity is supposed to be moribund.35 It was obliterated as a federal form of action with the merger mandated by the Federal Rules of Civil Procedure;36 most states likewise no longer insist on rigid pleading in conformance with the antiquated forms of action.37 Equity remains significant, however, mainly because of the continuing employment of its powerful remedies, particularly the injunction.3 Injunctions were historically relegated to a secondary status behind the preferred remedy of harm-based damages, thus forming a "hierarchy" of remedies. 39 This hierarchy of remedies found expression in the "irreparable injury" rule or "inadequate remedy at law" rule,4 " which was thought to require that an injunction would be issued only if the preferred remedy of legal damages was "inadequate," or, to say the same thing, if the injury was "irreparable" by ordinary money damages. The irreparable injury rule, and the remedial hierarchy it established, has been under sustained academic attack.42 The rule's detractors have termed the rule "dead" in theory, in logic, and in practice, claiming it is of little use either in understanding the law or in resolving cases.43 Indeed, understood literally, the irreparable injury rule could never preclude injunctive relief." A plaintiff would almost always be better compensated by an order directing defendant to do precisely what plaintiff would prefer than by a sum of money designed to compensate plaintiff for harm.45 This preference might often obtain even in regard to an award of damages sufficient to allow plaintiff to obtain a substitute performance, for by defendant's provision of the performance the plaintiff avoids the costs associated with locating and acquiring a sufficient replacement.46 Further, according to the critics, a literal understanding of the irreparable injury rule renders it of negligible importance except as a "tie-breaker," and a seldom-used one at that.47 The rule expresses a technical presumption in favor of awarding legal damages only where those damages are equivalent to the equitable award. This equivalency might result, though rarely, where the item lost is a fungible item for which a ready market is available." In virtually any other circumstance, the supposedly important irreparable injury rule is irrelevant to the decision whether or not to award equitable or legal relief. Indeed, it appears that common law courts have long disregarded the supposed preference for legal damages expressed in the irreparable injury rule. Professor Laycock's review of a large sample of recent decisions indicated that the irreparable injury rule infrequently provided a bar to obtaining equitable relief.49 Moreover, courts have recently found "irreparable injury" in such a variety of contexts that, "[i]f plaintiff has any plausible need for specific relief, she can describe that need as irreparable injury and find ample precedent to support her claim."50 The demise of the irreparable injury rule's limitation on the availability of injunctive relief suggests that courts should award an injunction to any plaintiff who wants one, provided other elements are satisfied."1 In other words, if the goal of remedial law is to provide full compensation,52 and the plaintiff informs the court that equitable relief is the relief that better affords compensation to the plaintiff, then the court should give the preferred prohibitory relief. Injunctions should issue "automatically" upon request. 53 2. The Effect of Frequent Injunctions If the traditional presumption in favor of money damages is indeed dead, a conclusion not free from doubt,54 then the emergence of the injunction from the ashes of the irreparable injury rule threatens a loss of the benefits that the irreparability rule latently provided. At bottom, the irreparable injury rule allocated the burden of risk-taking to potential defendants, to those about to engage in risk-producing behavior." Thus, the rule allowed, and perhaps encouraged, the potential plaintiff to remain unconcerned about hypothetical infringements of his fights or interests. To a great extent, plaintiff enjoyed his safety as a consequence of the risk-creation decisions taken by others. 6 Similarly, the irreparable injury rule lessened the difficulty the judge experienced in remedying harms. The bias created by the irreparable injury rule in favor of damages actions allowed the judge to act basically as a trial referee, regulating the information transmitted to the jury and providing instructions to inform the jury's deliberations. In damages actions the jury must make the difficult remedial decision. Even in bench trials involving the determination of damages, the judge's decision was not as hard as it could be, because the decision in a damages case, although sometimes a matter of close judgment, is unidimensional, consisting of the ascertainment of a monetary award approximating loss. The rule's demise promises a novel and more burdensome role for plaintiffs in detecting violations of law and for courts in remedying them. Regarding plaintiffs, the demise of the "inadequacy" requirement puts great stress on the "standing" or "injury" element, the only ground remaining for courts to deny equitable relief5 This requirement states that plaintiff must allege and prove that he suffers from an impending "threat of harm" sufficient to give rise to an adequate controversy. 5 Thus, the successful action for an injunction puts a premium on a plaintiff's ability to sense impending injury and on a plaintiff's ability to seek judicial redress quickly, prior to the threat's actualization. It seems probable that the mere threat or promise of some future harm tends, in most cases, to be more difficult and costly to detect than a past harm. 9 If that is true, then plaintiffs bear a greater burden in a regime that prefers injunctions to harmbased damages. In a regime of injunctions, it is decidedly the plaintiff's job to sense impending harms and take action to avoid them; in a damages regime, this task belongs to the defendant.

#### Treble damages alone solve anticompetitive practices

Cavanagh 10, \*Professor of Law, St. John's University School of Law. (Edward, “The Private Antitrust Remedy: Lessons from the American Experience,” 41 *Loy. U. Chi. L. J.* 629)

Second, mandatory trebling serves to deter antitrust violations.29 Because many antitrust violations are concealable and hence difficult to detect, the benefits from engaging in illegal conduct are potentially enormous. Mandatory trebling creates significant incentives for private parties to enforce the antitrust laws as private attorney generals. In enacting the antitrust laws, Congress recognized that the government lacked sufficient resources to detect and prosecute all antitrust violations and that mandatory trebling would increase prosecution of antitrust violators and enhance the overall goals of antitrust enforcement. 30 Equally important, trebling ensures that private actions will go forward even when the Antitrust Division, the Federal Trade Commission, or state enforcers, for whatever reason, choose not to act. As enforcement efforts expand, the likelihood of identifying and successfully prosecuting antitrust violations increases, and illegal conduct is thereby deterred. In these circumstances, the goals of compensation and deterrence are complementary. Enhanced compensation of victims through mandatory trebling encourages enforcement by private attorney generals and the added private enforcement strengthens overall deterrence. Furthermore, the impact of a treble damages award on an antitrust violator may be economically devastating and may be magnified in conspiracy cases, since a defendant under the rule of joint and several liability may be held responsible for all damages caused by its coconspirators trebled.31 Such catastrophic consequences provide a powerful disincentive to engage in illegal activity. So devastating is the impact of a treble damages judgment that antitrust violators may fear civil antitrust liability even more than criminal sanctions, making them less likely to avail themselves of the Antitrust Division's Leniency Program.32 That realization led Congress to limit the civil liability of Leniency Program participants to actual damages.33

### 1NC---K

#### Anti-trust’s promise of reformed capitalist competition is a ruse to solidify American domination. Western academics erase imperialism from consideration, ensuring anti-trust cases will always hinge on American interests and never consider global impact.

Kwet 22, PhD in Sociology from Rhodes University, visiting professor @ Yale Information Society Project (Michael, The Digital Tech Deal: a socialist framework for the twenty-first century, *Race & Class*, Vol. 63, Issue 3, DOI:10.1177/03063968211064478)

Limitations of liberal and progressive ‘techlash’ reforms

In response to the rise of Big Tech, the intellectual classes in the Global North, led by American scholars, researchers and journalists, have formulated a liberal/progressive critique of Big Tech and a corresponding set of capitalist reforms they call the ‘techlash’. Their framework, informed by progressive-era figures like Louis Brandeis and Franklin D. Roosevelt (FDR), aims to restore the Golden Age of Capitalism through enlightened state regulation. This circuit of intellectuals are drawn primarily from elite universities (Ivy League, MIT, Stanford, Oxford, etc.) and the corporate media. Money for their research is sourced from elite academia and media outlets, wealthy foundations, philanthropists and Big Tech itself. The techlash critics ignore or downplay the analytical and moral centrality of digital capitalism and colonialism, ecological context and the need for a socialist transformation. A de facto vanguard within the intellectual community tuned into tech, together with Big Tech itself, these elite intellectuals set the bounds of leftist discourse and exercise ‘tech hegemony’ over the broader narrative.37

There are two branches of critique put forth by the American techlashers: a legal branch which focuses on anti-trust as its centrepiece to reform digital capitalism and a human rights branch which focuses on discrimination, privacy, content moderation and workers’ welfare. These intellectuals are typically in agreement with each other and often weave their critiques and solutions together. Let us consider each in turn.

Legal reformers

Within the legal domain, a new wave of anti-trust scholars have occupied centre-stage to address the digital economy.38 At the leftmost end of the spectrum in the United States, ‘neo-Brandeisian’ anti-trust scholars draw inspiration from Louis Brandeis, who viewed a fair and just democracy as one without extreme concentrations of wealth and power into the hands of corporations. Neo-Brandeisians share with socialists the idea that socioeconomic inequality in part springs from the monopoly power of big corporations. However, anti-trust reformers depart from socialists in irreconcilable ways.

For one, they envision a ‘small business capitalism’ of private property owners kept intact by enlightened state regulators. Socialists, by contrast, argue that the capitalist system naturally concentrates wealth and objects to class inequalities and private ownership of the means of production. For another, neo-Brandeisians fetishise competition as a force for social good, rather than a force which pits owners and workers against each other in the battle for revenue, profits and market share.

Critically, the limits of economic growth are not acknowledged anywhere in the literature, nor are digital colonialism and American empire. This is an analytical failure because the fact that Big Tech corporations exercise global dominance should be evaluated in light of their international and environmental impact. It’s as if central features of the global tech economy – American empire and ecological crisis – don’t even exist. It is a moral failure because all parties affected should be involved in formulating and implementing remedies, but, instead, the United States’ scholars, lawmakers, courts and regulators are the ones making critical decisions about reforming American firms with global reach.

European counterparts share in the US anti-trust reformist agenda, with an added caveat: the Europeans are explicitly trying to cut down the American super-giants in order to build their own tech giants and colonise global markets.

In Europe, there are already tens of unicorns (privately held start-ups valued over $1 billion). Rich European countries dominate this race. The UK leads the pack and aims to produce its own trillion-dollar behemoth. President Emanuel Macron will be pumping €5 billion to tech start-ups in hopes that France will have at least twenty-five unicorns by 2025. Germany is attracting billions for its start-ups and spending €3 billion to become a global AI powerhouse and a world leader (i.e., market coloniser) in digital industrialisation. For its part, the Netherlands aims to become a ‘unicorn nation’. In 2021, the European Union’s competition commissioner, Margarethe Vestager, told the press in no uncertain terms that Europe needs to ‘build its own European tech giants’.39

Thus, the notion that European leaders are against Big Tech is demonstrably false. They are trying to shrink the American super-giants (GAFAM) so they can carve out market share for burgeoning European tech giants. It’s pure power politics – an inconvenient truth for America’s neo-Brandeisians, who laud and borrow ideas from their European counterparts.

The new anti-trust scholars erase these realities from within their own self-referential echo chambers, and instead act as if anti-trust is a matter of remedying harms to their own citizens. This is not a small point. Even if anti-trust reforms go through, the space created for new market entrants will almost certainly be dominated by the rich countries, who still have the most advanced engineers and resources to pay them high salaries and poach foreign talent.

#### The American “national economy” can only sustain itself by externalizing the negatives of capitalist growth onto the periphery. Western capitalism is unsustainable, reform only prolongs imperial exploitation, escalating interventionism, and neoliberal austerity.

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To answer these questions, we must come to grips with a key feature of the world economy—one that pundits in the global North tend either to ignore or wish away—namely, the fact that capitalist growth is fundamentally dependent on imperialism. This arrangement, which has persisted now for 500 years in various forms, is beginning to come under significant strain, and climate breakdown is likely to widen the cracks. This opens up opportunities for change, but also poses significant dangers. Everything depends on how governments and social movements choose to respond.

The key thing to grasp is that, under capitalism, “growth” is not about increasing production in order to meet human needs. It is about increasing production in order to extract and accumulate profit. That is the overriding objective. To keep such a system going requires several interventions. First, you have to cheapen the prices of inputs (labor, land, materials, energy, suppliers, etc.) as much as possible, and maintain those prices at a low level. Second, you have to ensure a constantly increasing supply of those cheap inputs. And third, you need to establish control over captive markets that will absorb your output.

Growth along these lines cannot occur within an isolated system. If you place too much pressure on your domestic resource base or your domestic working class, sooner or later you are likely to face a revolution. To avoid such an outcome, capitalism always requires an “outside,” external to itself, where it can cheapen labor and nature with impunity and appropriate them on a vast scale; an outside where it can “externalize” social and ecological damages, where rebellions can be contained, and where it does not have to negotiate with local grievances or demands.

This is where the colonies come in. From the origins of capitalism in the late 15th century, growth in the “core” of the world economy (Western Europe, the United States, Canada, Australia, New Zealand and Japan) has always depended on the sabotage of labor and resources in the “periphery”. Consider the silver plundered from the Andes, the sugar and cotton extracted from land appropriated from Indigenous Americans, the grain, rubber, gold and countless other resources appropriated from Asia and Africa, and the mass enslavement and indenture of African and Indigenous people—all of which exacted a staggering human and ecological toll. On top of this, colonizers destroyed local industries and self-sufficient economies wherever they went, in order to establish captive markets. There was no lag between the rise of capitalism and the imperial project. Imperialism was the *mechanism* of capitalist expansion.

As the Indian economists Utsa Patnaik and Prabhat Patnaik put it, capitalist growth requires an imperial arrangement—not as a side gig but as a *structurally necessary feature*. Imperialism ensures that inputs remain cheap, and thus maintains the conditions for capital accumulation. But it also underpins the fragile inter-class truce that prevails in the core states. If you’re going to raise the real wages of the working classes in the core, or take steps to protect the local ecology, then in order to maintain capital accumulation you have to compensate for this by depressing the costs of labor and nature elsewhere, namely, among workers and producers in the global South. Ever since the rise of the labor movement in the late 19th century, capital’s concessions to the working classes in Europe and the United States have been possible in large part because of imperialism.

This arrangement came under strain in the middle of the 20th century, however, as radical anti-imperialist movements gained traction across the global South. After winning political independence, many Southern governments set about dismantling colonial systems of extraction. They protected their economies and supported their domestic producers using tariffs, subsidies and capital controls; they instituted land reforms; they nationalized key resources and industries; they rolled out public services and improved workers’ wages. This movement was successful in advancing economic sovereignty and improving human development across much of the South. But it also constrained the core’s access to cheap labor and nature, and reduced their control over Southern markets.

The collapse of the imperial arrangement posed a significant threat to Northern capital accumulation. This problem was mitigated for a time by Keynesian policy: massive government expenditure boosted aggregate demand in the global North and generated an extraordinary economic expansion, providing a temporary “fix” for capital. Further concessions to the working classes of the core were sustained under these conditions, permitting the rise of social democracy in some states. But this fix could only hold for so long. As wages rose in the core and the supply price rose in the periphery, growth ground to a halt, capital accumulation became increasingly untenable, and by the mid-1970s the economies of the global North were overcome by a full-blown crisis of stagflation. As it turns out, capitalism cannot function for long under conditions of global justice. Fair wages and decolonization are compatible with a functioning economy, but they are not compatible with a functioning capitalist economy, because they limit the possibility of capital accumulation.

To deal with the crisis of the 1970s, capital needed a way to restore the imperial arrangement, to once again depress Southern prices and regain access to Southern markets. To achieve this, the core states intervened to depose progressive leaders in the global South—including, most prominently, Mossadegh in Iran, Arbenz in Guatemala, Sukarno in Indonesia, Nkrumah in Ghana, and Allende in Chile—replacing them with regimes more amenable to Northern economic interests. But the final blow was delivered by the World Bank and the IMF, which during the 1980s and 1990s imposed neoliberal structural adjustment programs (SAPs) across the region. This move shifted control over economic policy from the national parliaments of the South to technocrats in Washington and bankers in New York and London, ending the brief era of economic sovereignty. SAPs dismantled protections on labor and the environment, privatized public goods and cut public spending, reversing the reforms of the anti-colonial movement in one fell swoop.

It worked: wages and prices in the South collapsed under structural adjustment, and the new “free trade” regime allowed Northern capital to shift production abroad in order to take direct advantage of cheap labor and inputs. This enabled a massive increase in the scale and intensity of appropriation from the global South during the 1980s and 1990s, restoring the imperial arrangement and resolving the crisis of capitalism. Those who see neoliberalism as the main problem, and who fantasize about reverting to a less destructive version of capitalist growth, fail to grasp this point. The neoliberal turn was not some kind of mistake; it was necessary to restore the conditions for growth in the core. It was the obligatory next step in capitalist development.

But now, as the 21st century wears on, the engines of imperial appropriation are slowing down again. This reality is evident in the declining rate of economic growth in the core states, which economists have come to refer to as “secular stagnation.” This is happening for several reasons.

First, in the wake of structural adjustment, the collapse of the USSR, and the semi-integration of China, there are few nation-states and territories left that have not been brought into the remit of the capitalist world system. Imperialist expansion has effectively reached the limits of the planet. Now, instead of shifting production to new pools of cheap labor, capital has to deal with the existing workforce and their demands for higher wages. Second, certain regions of the South—specifically China and the leftist states of South America—are managing to push back against imperialism and improve their terms of trade, even while operating within the basic structure of the capitalist economy. All of this is leading to a rising supply price, which spells trouble for capital accumulation — and growth — in the core.

But perhaps most importantly — and this is the clincher — climate change and ecological breakdown are beginning to undermine the conditions of production on the tropical landmass. This is beginning to manifest already, with climate chaos ravaging parts of Central America, the Middle East and North Africa, driving social dislocation and human displacement. Without some kind of dramatic change in direction it will get much worse. With existing policies, we are headed for 2.7 degrees of heating this century, which is likely to trigger multi-breadbasket failure and sustained food supply disruptions across large parts of the global South, displace more than 1.5 billion people, wipe out 30–50% of species, and render much of the tropics uninhabitable for humans.

This is a problem for capital, because growth in the global North depends utterly on production in the global South and depends utterly on Southern land and resources—today just as much as during the colonial period. Recent research finds that rich countries rely on a net appropriation of land equal to twice the size of India, a net appropriation of 10 billion tons of material resources per year, and a net appropriation of embodied labor equivalent to a standing army of 180 million workers. This means that as labor is displaced and disrupted, and as the productive capacity of land is constrained by heatwaves, wildfires, storms and desertification, this will lead to a rising supply price in the core that will trigger a severe crisis for capital—more serious than anything it has yet encountered.

The question is, how will the core states respond? To maintain the rate of growth and capital accumulation in the face of this crisis, they will have to find a way to cut the supply price once again.

There are two obvious possibilities. One option is to cut wages in the core states, shred the welfare system and privatize public services, all of which would help cheapen inputs and open up new frontiers for accumulation, giving some reprieve to capital. This option — domestic neoliberal austerity — was deployed in the US and Britain during the 1980s as part of the response to the initial collapse of the imperial arrangement. Now it is being increasingly taken up by the European social democracies themselves, including the Nordics.

Of course, the risk of this approach is that it could trigger a backlash from the domestic working class, which could coalesce into a socialist revolution. Aware of this danger, politicians will seek to promote anti-immigrant and white nationalist narratives. By directing working-class grievance toward an “other,” this approach gets people to accept their own immiseration, so long as they can feel an affinity with the ruling class on the basis of race, and feel superior to people of colour who are kept in conditions more miserable than their own. This strategy has long been used to support the neoliberal project in the United States, and the ruling classes of the UK and Europe are now also turning to this playbook. Boris Johnson is a master of this in British politics.

The second option is that the core states could double down on imperialism. It is not difficult to imagine new rounds of invasion and occupation intended to force Southern prices back down. The recent coup in Bolivia, backed by the U.S. with its rising appetite for cheap lithium, offers hints of what might come. And it is clear that the Biden administration, just as under Trump before him , is already preparing the grounds for aggression against China, among other things to constrain China’s domestic demand for resources. Imperialist interventions that cheapen the supply price would allow capitalists in the global North to maintain accumulation and sustain their truce with the working classes of the core for a little while longer, even as the world crumbles around them.

If left to itself, this is how the capitalist story will play out in the 21st century: neoliberal austerity, white supremacist ideology, and violent imperialist interventions—all for the sake of maintaining growth and capital accumulation in the core. Indeed, this barbarism is already well underway. Liberal politicians denounce the barbarism at every opportunity, and yet they cannot bring themselves to address its underlying causes because they remain fundamentally committed to capitalist growth. The solution that the liberals offer—capital accumulation without barbarism— is a chimera.

There is an alternative ending to this story, however. If the core states shift to a post-growth, post-capitalist economic model—in other words, if they abandon the growth imperative and curtail capital accumulation—this would obviate the need for austerity and imperialist interventions. This is the power of post-growth transition: it would liberate all of us, in North and South alike, from the predatory interventions that are required to sustain capital accumulation.

#### That requires embracing an episteme of alternativity. Academic spaces must prioritize rejecting colonial scholarship, otherwise it will be used to justify colonial policies. Calls for “policy relevance” make debate an academic space that can only assist empire building. Instead, we have an ethical obligation to actively counter the prevailing order.

Gani & Marshall 22, Jasmine K. Gani: PhD of IR @ LSE. Senior Lecturer of IR @ St. Andrews. Jenna Marshall: PhD of Political Science @ Queen Mary University. Senior Researcher for Development and Postcolonial Studies @ U-Kassel (The impact of colonialism on policy and knowledge production in International Relations, *International Affairs*, Volume 98, Issue 1, January 2022, Pages 5–22, DOI: 10.1093/ia/iiab226)

Looking forward: academic and practitioner pushback against colonialism, and cautionary tales

Given the historical and ongoing mutual complicity between knowledge producers and policy-makers in upholding imperial and racial orders, we now consider the responsibilities, possibilities and challenges faced in altering the nature of that nexus. Doing so requires turning to what Danso and Aning call an ‘episteme of alternativity’;41 and the primary way for academics to enact this would be to draw on anti-colonial practice and legacies, rather than imperial competition, as the foundation of their theorizing.

Thus, in his article, Sizwe Mpofu-Walsh forefronts global South policy-makers and focuses on the nuclear order (a topic that is typically associated with realist IR) to demonstrate how it can be approached through an alternative, critical epistemology.42 Disrupting the ‘Great Power gaze’, Mpofu-Walsh asks what the politics of non-proliferation looks like from the perspective of the global South, especially the African continent as the sole nuclear weapon-free zone (NWFZ). There, denuclearization is fundamentally linked to decolonization. Thus anti-colonial goals, rather than hegemonic/imperialist competition, are at the root of both policy and theorizing. How different would IR knowledge and theories on nuclear weapons be if African praxis and the importance of NWFZs were taken seriously? Turning to the Middle East, Gani similarly argues in her article that the inclusion of non-western history and voices—from policy-makers to activists and scholars—in think-tank discussions can mitigate the latent colonialism that shapes western policy.43

Nevertheless, even with an incorporation of non-western practice and knowledge in policy making and scholarly theorizing, multiple perspectives that are marginalized even in the local context, owing to class or gender, may continue to go unheard.44 One crucial way in which both academics and practitioners can challenge such patterns is by adopting a more expansive reading of what constitutes ‘knowledge’ and indeed ‘practice’. In doing so, we can dismantle some of the constructed and false hierarchies between elite ‘knowledge’ and ‘research’ on one hand, and local ‘tradition’ on the other.45 The former is assumed to be objective, reliable and associated with western (and western-validated) universities; while the latter is viewed as subjective, unscientific and commonly associated with Indigenous, racialized, grassroots communities. Assumptions about who counts as a true knowledge producer or ‘expert’ is not only elitist but heavily racialized and gendered. Definitions of who counts as a ‘practitioner’ are equally narrow, so that scholars or policy-makers may place much weight on the views and actions of state, global governance and corporate practitioners, but do not view as equal practitioners those involved in everyday practice in their communities—those who in fact sustain their ecology, livelihoods, security and identities, all while having to navigate the impact of top-down policies.46

Both the articles by Jan Wilkens and Alvine Datchoua-Tirvaudey on climate justice, and by Althea Rivas and Mariam Safi on the organizing and practices of Afghan women, share knowledge from non-elite local communities and challenge the above binaries and hierarchies. In their article on climate justice in the Arctic and the Mediterranean, Wilkens and Datchoua-Tirvaudey explain that academic–practitioner knowledge exchange has often been a contributing factor in continued climate injustice.47 The existing patterns of this knowledge exchange on climate governance are dependent on hierarchies of knowledge, namely, the valorization of western/‘scientific’ knowledge production at the expense of the needs and knowledges of the Indigenous and local communities most affected by climate change (i.e. the community-based practitioners, rather than the institutional/state ones). Moreover, the spaces where such knowledge exchange takes place are often exclusionary (in who is invited, in the parameters of discourse and/or in the extortionate costs of participating), producing an intra-elite debate.48 Having identified these racialized patterns, they offer a corrective decolonial strategy for ethical climate governance, founded on practice-based knowledge and diverse ways of knowing that bring in those excluded insights.

The article by Rivas and Safi also provides an example of how the academic–practitioner nexus can be ‘decolonized’, one in which everyday knowledges of Afghan women, in all their diversity and complexity, are centred in peacebuilding efforts.49 Their article, co-written by an academic and a local practitioner, offers a methodology of how to take into account the internal hierarchies of positionality, interests and knowledges that are always present when engaging with grassroots communities for the sake of ‘research’. Rivas and Safi also demonstrate the importance of registering and valuing the unlooked-for, atypical knowledges from below, such as the subtle observations offered by Afghan women in rural areas that, contrary to wider assumptions, reflect their political engagement and interest.

Caution against extractivism in the search for such local knowledge exchange is at the forefront of both the above contributions.50 Thus academics should remain reflexive in what the purpose of their research is, and who really benefits. Moreover, a praxis of decolonizing such research necessarily entails taking time in a way that is at odds with the current culture of speedy and multitudinous productivity in academia: the rapid churning out of articles from ‘the field’ should raise appropriate questions about how, why and for whom that research is being conducted.

Of course, at issue is not just whom but also what we consider as worthy of scholarly and policy attention, and how inclusive we are of alternative methodologies. Dependence on state and official archives, ‘canonical’ theorists, written records and English-language sources all reproduce the racialized hierarchies inherent in the prioritization of certain types of knowledge and transmission.51 These factors also close the door on appreciating the power—both practical and ideational—generated by collective social action, whose impact cannot (and should not) be individualized to one or a few visible and often romanticized protagonists. Recognizing all this and reading into the silences of the archives should encourage greater attention to non-hegemonic record-keeping, story-telling and witnessing beyond elitist and prohibitive barriers—from oral histories, to poetry, art and independent publishing on paper and online. As anti-colonial and anti-racist thinkers and activists have long argued, these are the ways in which those who are dispossessed and marginalized, but also, consequently, autonomous, have kept their identities, cultures and memories alive, and sought to prevent their experiences from being suppressed and erased.52 In the face of systematic racism and the colonial dismantling of their histories, those who are marginalized are not, in fact, silent but continue to cultivate and share knowledge, even if they may lack the resources and type of support received by hegemonic knowledges (and people).53 Recognizing the equal validity of marginalized forms of knowledges in both academic and policy realms pushes back against the de-representation in knowledge exchanges within elite spaces and formats.

However, it would be erroneous to assume from these arguments that knowledge produced by so-called elite communities is always bad, and that knowledge or cultural production from the bottom up is always more authentic and supports the cause of justice. Srdjan Vucetic's article unsettles multiple binaries, between the elite and the ‘masses’, as well as between academics and practitioners.54 Drawing on the work of Stuart Hall, he complicates what we read as knowledge production and who we see as its progenitors, challenging the notion of purely top-down (and imperialist) identity construction. Exploring the role (and popularity) of nationalistic films and novels as signifiers of this consensus between policy-makers and wider society, Vucetic demonstrates that it is not enough to hold accountable only those deemed to possess political capital, be they policy-makers or academics. Rather, it is necessary also to challenge the broader pressures and expectations of the public that produce a collusion between elite and mass discourse, and help to foreclose the adoption of more critical, justice-oriented policies. Thus, if we focus solely on academics and practitioners in any anti-racist work, we miss the uncomfortable reality that narrow, exclusionary nationalism that foments such racism and imperialist foreign policies actually enjoys substantial ‘buy-in’ from people and may be an accepted part of a local (in this case British) identity.

This observation reinforces the need outlined above for a more expansive approach to defining knowledges, but this time when interrogating the generators of coloniality. This in turn allows us to bring into equal focus other facilitating institutions and mediums of knowledge dissemination, many of which play a pivotal role in making colonial tropes and erasures more palatable, accessible, even culturally and economically valuable. This theme runs through several of the articles in this special issue. As noted above, Vucetic's article focuses on cultural output; Antweiler looks at museums and schools; Baji considers the instrumentalization of local folklore for imperialist ideologies in Japan; Plonski and Manchanda examine the power of racial capitalism via Israel's surveillance industry and marketing; and Gani scrutinizes the impact of journalistic discourse and think tanks.

Thus far, a lot of responsibility for challenging the racial and colonial dynamics of the academic–practitioner nexus has been placed with knowledge producers, whether within or outside academia. But it is necessary to emphasize that efforts have already been under way, not only to ‘decolonize’ our academic disciplines, but to bring that discourse into the public realm. At that point practitioners need to carry their share of responsibility in listening to and applying the expertise (whether academic or community-based) that can foster more just policies. Instead, the attention policy-makers give to expertise is often selective and politicized, based not on what can actually improve people's lives but on what helps to justify the existing approaches adopted by governments. The current denigration and growing securitization of critical race theory, especially in the United States but increasingly elsewhere, is an example of attacks on emancipatory knowledges that challenge power and oppression. Offering another stark example of this, Amal Abu-Bakare explores in her article the lack of any serious attempts to confront Islamophobia in society, despite the wealth of research and expert advice from scholars and community-based practitioners available to policy-makers.55 Focusing on the cases of the UK and Canada, she highlights the way in which practitioner intervention, in this case that of security and police officials, has actively prevented the adoption of expert guidelines on tackling Islamophobia on the grounds that they might interfere with their counterterrorism strategies. In many ways this is a blatant acknowledgement from policy-makers that their counterterrorism strategy is inherently built upon racial tropes and discrimination. In contrast, so-called ‘neutral’ research on terrorism and/or counterterrorism is embraced by practitioners, precisely because such research might not ask uncomfortable questions about the racial foundations or assumptions that are necessary to enact their policies.

Abu-Bakare's article offers an example of the limitations of academic–practitioner knowledge exchange. Exhorting scholars to make their research policy relevant does not address the unequal receptivity towards critical research that may challenge policy. Nor does it sufficiently take into account the implicit disciplining that can take place in that process of knowledge exchange. Those very spaces or channels that are created to facilitate sharing, listening and negotiation between knowledge producers and practitioners (through all the blurred boundaries between them) may reproduce and reify hierarchies through unequal interactions. Is real dialogue possible if power dynamics render the interlocutors unequal?56 Or, in their efforts to be heard, taken seriously, and make their presence worthwhile, academics and other knowledge producers may find themselves being subtly socialized into the very modes of speech and thought that they sought to criticize. This can also happen in reverse when grassroots practitioners share spaces with scholars and elite institutions. The path-breaking and radical ideas needed to initiate change on some of the most deep-seated problems in politics and society may be diluted in such spaces for the sake of pragmatism and communication, undermining the ability to imagine real alternatives to the status quo. This is not to say that knowledge producers, whether academic or community-based, should not engage with policy-makers, but rather that they should be clear in what they seek to achieve—if, for example, constructive dialogue or receptivity to expertise is unlikely, it is at times necessary and an ethical responsibility simply to register alternative ideas or contestation. Returning to the point made at the start of this piece, this cautions us in how we champion ‘impact’ and knowledge–policy engagement, especially if we only recognize engagements that supplement and are ‘useful’ to systems of power rather than those that hold them to account.

Conclusion

This special issue introduces the readers of International Affairs to the relatively undertheorized and underhistoricized relationship between race, knowledge production and policy-making. The articles demonstrate the ways in which practitioners have historically relied on research produced within the academy to inform policy, initiating the establishment of departments and disciplines for this purpose, but they also show the reverse to be equally true: that policy, both foreign and multilateral, influences the possibilities and parameters of research, funding and recruitment practices, and retention of jobs.57 A key goal of this special issue has been to foster reflection on the ways in which knowledge production (in its multifaceted forms) contributes to or challenges the practice of racism and coloniality; and the ways in which policy and practice shape, validate, limit or ignore knowledge production—in ways that either perpetuate or interrogate coloniality. As the three categories delineated above show, the academic–practitioner nexus is best captured as a series of foreclosures that actively work to uphold narrowly espoused evolutionary myths of the discipline and entrench a naturalization of white-racialized subject positions in academic discourse on the ‘international’, while sidelining scholars and activists, notably women and people of colour, who have made undeniable contributions to analysis of the contemporary world.58 All this brings into view, as one scholar puts it, ‘the fundamental ways in which IR already is, and always has been, complicit in ordering politics’.59

As we have argued in this introductory piece, the exposure in this special issue of the deep academic–practitioner nexus confronts and challenges the ‘gaps’ discourse advanced at the expense of making visible the existing reciprocity that disciplines the boundaries of acceptable enquiry. The outcome of this disciplining at the theoretical level can be seen in the construction of paradigms that normalize Eurocentric presuppositions on ‘how the world is’. But such outcomes are also made manifest through material implications generated by narrow policy responses and policy instruments.

The special issue is not just an exposure, though; it is also a call for repair. To embark on a project of repair, those involved in knowledge production, dissemination and application—within academia, think tanks, museums, schools, cultural production and policy—first and foremost need to recognize that their work is not detached from the real world, even if they seek to make it so. If the articles in this special issue have shown anything, it is that there can be no realistic and honest demarcation between political and apolitical knowledge: to assert neutrality is like offering a blank slate that will inevitably be written over. It is worth knowing that even with the best intentions, a scholar's work is likely to be co-opted for political ends; and that one's erasures and blind spots regarding injustice, even if innocently produced, will be taken as justification for inaction and marginalization of these injustices in the real world.

Sincerity in seeking to prevent racist or imperialist co-optation necessitates more open interrogations of power and commitments to justice: and without doubt IR, whether ‘analytical’ or ‘critical’, and academia more broadly, are filled with sincere and honourable scholars who care about the world they live in and have the capacity to enact positive change. Questioning and challenging accepted and expected modes of academic enquiry requires courage and creativity, both of which are aided through collective effort. This special issue, then, is an invitation to adopt that courage and creativity in how we cultivate knowledge, in questioning the purpose and the ends of that knowledge, and to be discerning in how we try to put it into practice.

### 1NC---T: Private Sector

#### Private sector means all non-governmental persons or entities, including non-profits

Senate Report 95 (Senate Report. 104-1, “UNFUNDED MANDATE REFORM ACT OF 1995,” <https://www.congress.gov/congressional-report/104th-congress/senate-report/1> , date accessed 9/10/21)

"Private sector" is defined to cover all persons or entities in the United States except for State, local or tribal governments. It includes individuals, partnerships, associations, corporations, and educational and nonprofit institutions.

#### A topical aff could change a universally-applied standard, like the CWS [Consumer Welfare Standard]

Phillips 18, commissioner on the Federal Trade Commission. (Noah J. November 1, 2018, Before the Federal Trade Commission, “Competition and Consumer Protection in the 21st Century,” <https://www.ftc.gov/system/files/documents/public_events/1415284/ftc_hearings_session_5_transcript_11-1-18_0.pdf>)

Our second topic today is the consumer welfare standard. And I think most folks even out in the public know, this is the standard that we use across the board, mergers and conduct in courts and at agencies, to judge anticompetitive conduct. It is not only a standard that we in the U.S. apply, it is a standard that is used by competition agencies around the world. It is an economically-grounded standard, and it requires that there be harm to consumers for conduct to be condemned. Mere harm to competitors is considered insufficient. So let me repeat that again. There has to be harm to consumers, not just competitors. The reason that is so, the reason harm to competitors is considered insufficient is because sometimes a less-efficient firm losing sales or market share to a cheaper, more innovative or efficient rival, can be and often is consistent with vibrant competition and with outcomes that benefit consumers. Courts and agencies have embraced this standard for decades. Today, there are two very important discussions going on about the consumer welfare standard, and they are happening simultaneously. And I think it is important that we understand that there are two conversations going on. One is a continuing discussion about how we apply the standard, regarding whether enforcement is at the appropriate level, whether it is properly targeted. This is an introspective question on some level, in which scholars, economists, practitioners, and enforcers all ask ourselves, are we bringing the right kinds of cases? Are we using the right kinds of evidence? Should we be doing more or less in certain places? The antitrust bar, the business community, and others benefit from this ongoing and active analysis. The second discussion happening now, and the one on which today’s consumer welfare standard panels will focus, is whether the standard is itself the right metric we ought to use in antitrust enforcement and in antitrust law; some argue that enforcement under the consumer welfare standard has failed because of the law, and accordingly, that we should reform the law.

#### Violation: the aff applies exclusively to conduct in a specific segment of the private sector.

#### Vote neg:

#### FIRST---limits and ground---the number of potential subsets is infinite---any industry, product, single companies, individuals---undermines clash. Only big affs have link uniqueness.

#### SECOND----precision---our interp has intent to define, exclude and is in legislative context.

### 1NC---T: Per Se

#### “Prohibition” requires a declaration of per se illegality

Loevinger 61 (Honorable Lee Loevinger- Assistant Attorney General in charge of the Antitrust Division. “THE RULE OF REASON IN ANTITRUST LAW” , *Section of Antitrust Law* , 1961, Vol. 19, PROCEEDINGS AT THE ANNUAL MEETING, ST. LOUIS, MISSOURI, AUGUST 7 THROUGH 11, 1961 (1961), pp. 245-251, JSTOR accessed online via KU libraries, date accessed 9/13/21)

Running through the history of antitrust law are two contrapuntal themes: A prohibition of restraint of trade and a principle lately called the "rule of reason" which limits the prohibition. The legal rule against restraint of trade began in the 15th century in cases holding that a contract by which a man agreed not to practice his trade or profession was illegal.1 However, in the course of development of the common law, it became established that agreements which were ancillary to the sale or transfer of a trade or business and which were limited so as to impose a restriction no greater than reasonably necessary to protect the purchaser's interest.2

Thus, when the Sherman Act incorporated the common-law principles on this subject into federal statutory law 3 by adopting the concept of restraint of trade, it presumably imported both the principle that restrictions on competition are illegal and also the principle that in some circumstances a showing of reasonableness will legalize restrictions on competition. Nevertheless, when the question was first presented to the United States Supreme Court under the Sherman Act, it was clearly held (despite later disavowals4 ) that the justification of reasonableness was not available as a defense to a combination which had the effect of restraining trade.' Indeed, it was intimated that the question of reasonableness was not open to the courts in these actions at common law.6 However, when the Court reviewed this matter in Standard Oil Co. v. United States,7 it said in fairly explicit terms both that the Sherman Act prohibited only contracts or acts which unreasonably restrained competition and that the standard of reasonableness had been applied to all restraints of trade at the common law. The Court's assertion is somewhat weakened by the fact that it construed the rule of reason not as applying a standard for judging the character or consequences of the challenged conduct, but as a technique involving the application of human intelligence, or reason, to the problem of making a judgment about whether the conduct does restrain trade.'

#### The aff violates---they create a new legal standard for courts to decide whether a practice is “unreasonable” based on weighing effects

#### VOTE NEG---Balancing tests devastate core links because they allow the practice when it’s beneficial. AND, creates a moving target, because the disallowed behavior is context-dependent.

### ADV---Providers

### 1NC---Turn

#### Slow growth is good---it causes peaceful accession to great power parity. Boosting growth causes a violent cling to power and transition conflicts.

Taliaferro et al. 18, Jeffrey Taliaferro: Professor of political science @ Tufts University. Steven Lobell: University of Utah. Norrin Ripsman: Lehigh University (Is Peaceful Change in World Politics Always Desirable? A Neoclassical Realist Perspective, *International Studies Review*, DOI: 10.1093/isr/viy023)

Conflict between hegemon and challenger can take many forms, ranging in intensity from a sustained rivalry for geopolitical influence in one or more geographic regions to a major or hegemonic war. Again, we narrowly defined peaceful change as a process in which the hegemon voluntarily cedes its dominant geopolitical role to a challenger in one or more geographic regions. This may entail the hegemon withdrawing its military forces and forward bases from a region, renegotiating, or modifying alliances and economic agreements with regional states, often at the behest of the challenger. It is important to note that peaceful change might occur in one locale, while conflict might occur simultaneously in another locale. Lastly, the likelihood of either of the two outcomes—conflict and peaceful transition— depends upon the grand strategic adjustments by the hegemon as well as the challenger.

Neoclassical Realist Theory of Peaceful Change

Our neoclassical realist theory purports to explain the conditions under which a regional or global hegemon will concede some or all of the challenger’s demands without contest. Like all neoclassical realist theories, our theory assumes that all states respond to the international constraints and opportunities they face but that how they respond will be shaped by their domestic constraints (Rose 1988; Lobell, Ripsman, and Taliaferro 2009; Ripsman, Taliaferro, and Lobell 2016).

Our argument is that peaceful change is only likely in one of three circumstances: (1) when the hegemon’s foreign policy executive (FPE) has high confidence that change is inevitable because it lacks the military, political, or economic capabilities to resist it; or (2) when the political and economic costs of resisting that change are anticipated to be prohibitively high; or (3) when the FPE is domestically constrained in its ability to extract and mobilize the resources to resist the challenger. Each of these three propositions is a sufficient condition for the hegemon to accept peaceful change. They combine to make a necessary condition for peaceful change; that is, unless one or more of them is obtained, the hegemon will resist peaceful change. In this section, we unpack the logic underlying each of these propositions.

The dependent variable (DV) is the pattern of strategic adjustment by the hegemon. A hegemon has two broad strategic choices in response to a rising challenger: it can accept peaceful transition, or it can resist it.7 Resistance entails a variety of strategies, ranging from containment to preventive war. Economically, the hegemon might deny the challenger access to its markets, use sanctions, employ exchange and currency controls, and more broadly isolate the challenger from trade to undermine the economic base for its military power. Militarily, the hegemon could forge alliances with states along the challenger’s periphery, dramatically augment its own defense spending, sabotage the challenger’s weapons programs, seek to embroil the challenger’s armed forces in costly proxy conflicts, or, in the extreme, initiate a preventive war (Copeland 2000; Levy 2008, 2011).

A strategy of peaceful transition (or retrenchment) entails the strategic reorientation away from confrontation with a challenger. The hegemon, acknowledging the inevitability of the power transition, scales back its military deployments and alliance commitments, relaxes or removes economic sanctions targeting the challenger, and cedes its leadership role to the challenger in formerly contested regions (MacDonald and Parent 2011, 11–13).

The three propositions we derive from the theory specify the combinations of neoclassical realism’s systemic-level independent variables (IVs) and domestic-level intervening variables (IVVs) that increase the likelihood that a hegemon will pursue a resistance strategy or a peaceful transition strategy.

Proposition 1 (the inevitability of international change) relates directly to three IVs: the relative distribution of power, the nature of the strategic environment that a hegemon confronts in a particular region, and the degree of systemic clarity regarding threats and opportunities. Hegemons that enjoy an overall power advantage over rising challengers are unlikely to see a future power transition as inevitable. Hegemons experiencing relative decline or those that are simply at a marked disadvantage in one or more categories of power vis-à-vis a challenger, however, are more likely to conclude that a power transition is inevitable.

The second IV is the nature of the strategic environment that a hegemon confronts in a contested region. A state’s strategic environment refers to the magnitude and the imminence of the external threats and opportunities that it faces at any given time. All other things being equal, the more imminent and dangerous the threat or the more fleeting and enticing the opportunity, the more restrictive a state’s strategic environment will be. Conversely, the more remote and less intense the threat or the more enduring and less enticing the opportunity, the more permissive a state’s strategic environment will be. Restrictive and permissive strategic environments exist along a continuum (Ripsman et al. 2016, 52–53).

Regional hegemons exercise geopolitical dominance over a single region. A global hegemon, by definition, has wide interests across several regions of the globe. Consequently, they can confront different strategic environments across different regions. An increase or a decrease in a challenger’s economic, political, or military penetration of a contested region, up to and including the conquest of all or part of that region, can shift the strategic environment the hegemon faces from permissive to restrictive or vice versa (Taliaferro 2018). Where a global hegemon faces a restrictive strategic environment in a contested region, it is more likely to conclude that the competitor will challenge its leadership in the locale and that a power transition is inevitable. Conversely, where it faces a permissive strategic environment in a contested region, it is more likely to conclude that a power transition is not inevitable.

The third IV is the degree of systemic clarity regarding threats and opportunities. The degree of systemic clarity involves the signals or information that states receive from the international system or a regional sub-system. Systemic clarity has three subcomponents: (1) the extent to which external threats or opportunities can be readily identified, (2) whether the international system provides information about the time horizon in which those threats or opportunities will materialize, and (3) whether there is an “optimal” strategic response (Ripsman et al. 2016, 46–47).

The logic here is that if the hegemon judges that it has no alternatives to prevent a power transition, it would be irrational to waste resources resisting the inevitable. In general, hegemons have different strategic options for countering challengers in the short- and long-run. In the short-run, a hegemon can balance internally by increasing its armaments or externally by seeking allies. Over the longer turn, it has more options. Economic growth and emulation can redress relative decline. Nonetheless, if the hegemon’s leadership calculates that it lacks the resources for economic growth and emulation over the longer term, and they also calculate that the rising challenger’s economic growth will likely continue indefinitely, they might conclude resistance is futile. For instance, by 1901, recognizing the United States’ ascendency, Britain ceded leadership over the Western hemisphere by signing the Hay-Pauncefote Treaty (Lobell 2003, 70–71). In the late 1980s, Mikhail Gorbachev realized that the depth of the Soviet Union’s relative economic decline made it impossible to continue competing with the United States. Gorbachev scaled back military commitments in Eastern Europe and elsewhere and began to make unilateral concessions in nuclear and conventional arms control (Brooks and Wohlforth 2000, 33).

Proposition 2 (costs of resistance) relates to both internal and external factors, or neoclassical realism’s IVs and IVVs.8 In the first instance, the costs required to contain a challenger will depend on the external environment. The hegemon will need to assess the balance of power and what degree of military and economic resources the challenger can commit to the theater under threat. If these resources far exceed the aggregate resources available at the hegemon’s disposal or are in danger of “breaking the bank,” then the costs will be deemed too high.9 If these requirements do not exceed national power resources, the hegemon will next need to assess whether committing these resources to containing the challenger in the theater in question would undermine its ability to resist other challengers in other important regions. In the 1930s, for example, Britain faced challengers in multiple theaters: Germany threatened British interests in Western Europe, Italy threatened British interests in the Mediterranean and North Africa, and Japan threatened British interests in East and Southeast Asia (Kennedy 1987; Lobell 2003, 85–122; Ripsman and Levy 2008).

#### U.S. hegemony provokes blowback aggression due to status insecurity and dooms international cooperation---decline spurs a great power concert that solves war and existential threats.

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Why Liberal Internationalism Will Fail (Again)

But in recent weeks, mainstream US foreign policy experts have provided their own spin in progressive internationalism. Advocates and practitioners of a traditional hegemonic foreign policy have sought to co-opt progressive internationalism in a series of essays which argue for the necessity of American power and global influence. These writers embody the post-Cold War centrist foreign policy coalition of liberal internationalists and neoconservatives. For them, that the greatest threat to the democratic “free” world created by the United States remains the autocratic governance model of Russia and China. While Washington should pursue cooperation on transnational governance issues where possible, they argue it cannot do so at the expense of making security concessions which would reward revisionist behavior by great power rivals. As in the past, American exceptionalism remains the identity narrative justifying a return to US hegemony, with Anglo-American norms serving as the basis for hegemonic socialization and cooperation.

The internationalist disposition is a reminder of why a mere social democratic twist on US hegemony will fail to provide actual security for the United States and its allies. Establishment voices continue to rely on state-centric assumptions about IR and ignore how state identities and interests are a function of their relationship with each other. Or, as Jennifer Mitzen and Michelle Murray might argue, the revisionist intentions of Russia and China are a product of their ontological insecurity. A hegemonic United States defending an Anglo-American order denies them recognition of their own great power identities and their right to participate in all deliberations about global order. From this perspective, we should challenge the implicit assumption made by Anthony Blinken and Robert Kagan that Russia is revisionist by nature. An internationalist perspective suggests that Russia has adopted those intentions in relation to a Wilsonian United States which seeks domination over Moscow and the transformation of its political system. The same is true for China, which rejects being cast as a “responsible stakeholder” by Washington which would eventually accept democracy following its internal transformation by global capitalism. In other words, the very terms of US relations with these states over the past 25 years is the source of their revisionist intentions, and not some essentialized feature of their domestic politics.

Further, a liberal exceptionalist narrative that contrasts “Eastern autocracy” with “Western freedom” masks how the United States has perpetuated its own systems of illiberal dominance throughout its history. Those same structures of oppression are the greatest threat to contemporary US democracy and also serve as glaring evidence of US hypocrisy. In his defense of American exceptionalism, Jake Sullivan represents institutional racism as a bug rather than a feature of the American political system by emphasizing the liberal ideals of the Founders and casting Donald Trump’s white ethnonationalism as an aberration. But this telling of the American story whitewashes the long history of an exclusive, white ethnic US identity dating back to the early 19th Century and its role in generating the modern United States. Scholars of American political development and US history have long demonstrated that institutions of slavery and land conquest constituted US society and made possible its economic prosperity rather than some kind of intrinsic tendency toward freedom.

Fast-forward to the present: liberal exceptionalism further denies how economic globalization made possible the rise of authoritarianism. Nils Gilman and David Klion rightly argue that the kleptocratic alliance between autocrats and oligarchs is the true threat to democracy and rule of law. Their ability to concentrate political and economic power has been enabled by the emergence of an integrated global market that privileges the freedom of capital over the needs of ordinary people, one created by the United States when liberal internationalism went global after the fall of the Soviet Union.

Finally, attempts to revive US hegemony will doom transnational efforts to deal with existential non-state threats. Hegemonists like Thomas Wright argue that Russia and China are the greatest threat to the United States, and that Washington should never make concessions to either power as a means of ensuring cooperation on issues of global governance. However, “ring-fencing” global capitalism and climate change as separate issues will fail to achieve the necessary level of cooperation to cope with these threats. National security policymakers cannot recognize that the greatest dangers faced by US citizens are non-state economic and ecological global processes that shape domestic politics from the inside-out, and not rival sovereigns. Economic destitution to the point of embracing fascist dictators coupled with environmental collapse are near-certain non-state threats which transcend our boundaries – in fact, as a global power, the United States has been complicit in creating them.

The internationalist disposition would suggest that the priorities of US foreign policy must change. Regulating global processes should be the primary objective, and it requires that the United States pursue intense macro-levels of cooperation with all other states, including its rivals, to achieve them. Yet it will be unlikely to do so if it remains wedded to liberal hegemony and consumed by great power competition. Short-term incentives to accumulate resources and power will override the long-term need for global governance. The result will be a world whose people live in precarity, ravaged by climate change, and constantly on the verge of great power war.

From “Disposition” to “Grand Strategy”

The internationalist disposition clearly illustrates why old US strategies are incompatible with the progressive internationalism of the US left. However, contra Colás, progressives should not avoid developing of a positive vision for foreign policy due to the diverse range of radical perspectives. To do so would cede pro-restraint arguments to structural realist and libertarian advocates of offshore balancing who offer no template for global engagement or institutional cooperation. What progressives must do is articulate a grand strategy, or a plan that mobilizes all elements of national power and influence, grounded in a relationalist ontology that combines restraint with internationalism. This strategy must be post-hegemonic (a term even Ikenberry has flirted with), post-statist, and supportive of intense international cooperation based on the diversity of identities and values otherwise ignored by the universalist pretenses of Anglo-American liberalism. If our very existence is mutually dependent on others, then we need a foreign policy based on solidarity in response to collectively experienced threats.

I think there is a strategy consistent with the international disposition: great power concert. A concert strategy requires that all great powers pursue mutual accommodation and recognize each other’s interests as part of a larger commitment to maintain international stability. Patrick Porter and Amitav Acharya argue that a great power concert strategy is the best suited to adapt to the transfer of wealth and power to Asia along with the “multiplex” nature of world politics (not to mention a global perspective on international relations). The emergence of a diverse range of state and non-state actors bound together by extreme interdependence makes it impossible for any one actor, such as the United States, to establish rules for global governance which can mobilize all others. On this basis, a concert strategy would lead the United States to collaborate with others on the basis of mutual co-existence and embrace joint decision-making at the global level for coping with macrostructural processes that threaten all peoples around the world. In this way, a concert strategy is firmly grounded the international disposition and can serve as the realization of progressive internationalism.

Security and The Balance of Power

A concert strategy can do what establishment foreign policy cannot, namely de-escalate great power competition by giving up US hegemony. If adopted, the United States would treat other great powers, like Russia, China, and Iran, as equal partners in the maintenance of global stability and incorporate their interests into regional security agreements. The United States would give up its self-assumed role as an unrivaled global hegemon and seek a balance of power based on mutual respect with other great powers as partners rather than enemies. This kind of international posture would result in a more horizontal great power system, one that Stacie Goddard as identified as being productive of status quo rather than revisionist intentions. It would be compatible with recognition of the great power identities of other states and provide them with ontological security.

#### Global governance checks emerging tech, pandemics, and war---extinction.

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Global governance is necessary because humanity increasingly faces both problems and opportunities that are global in scale. Today, transnational problems such as violence and pandemics routinely reach across borders, affecting us all. At the same time, the increasingly integrated global system has also laid the necessary foundations for peace and spectacular prosperity. Effective global governance will allow us to end armed conflict, deal with new and emerging problems such as technological risks and automation, and to achieve levels of prosperity and progress never before seen.

The most important challenge for humanity to overcome is that of existential risks. One way to look at the danger of an existential risk is to quantify the level of global coordination needed to deal with it. While best-shot risks, at one end of the spectrum only require that a single nation, organization or even individual (i.e., superhero) has the means and the will to save everyone, weakest-link risks, at the other end of the spectrum, are dangers that might require literally every country to take appropriate action to prevent catastrophe, with no room for failure.2 3

We’ve always been at risk of natural disaster, but with advances in our level of technology the risk we pose to ourselves as a species becomes ever greater. Nuclear weapons are a well-known risk that we still live with to this day. The progress of technological research exposes us to new dangers such as bioengineered superbugs, nanotechnological menaces, and the risk of an out-of-control artificial intelligence with ill-intent. Increased levels of global coordination are needed to combat many of these risks, as described in our article on the cooperation possibilities frontier.

There are other problems that don’t necessarily threaten the species or even civilization as we know it, but which are holding back the development of prosperity and progress. Armed conflict, around since the dawn of history, still haunts us today. Even though wars between great powers appear to be a thing of the past, regional conflicts still account for tremendous human suffering and loss of life in parts of the world without stable governance.4

Other problems have emerged precisely because of our successes in the past. The unprecedented advancement of human wellbeing and prosperity over the past century has been based in large part on the use of fossil fuels, thus exposing us to climate change. Widespread automation, already a stressor on society, will put increased pressure on the social and economic fabric of our societies over the next few decades. Global governance can help alleviate these issues in various ways - we refer the interested reader to the very detailed work in Ruling Ourselves.

Finally, global governance will increasingly be judged not only by the extent to which it prevents harm, but also by its demonstrated ability to improve human wellbeing.5 Progress has let us set our sights higher as a species, both for what we consider to be the right trajectory for humanity and for our own conduct.6 Major advances in human wellbeing can be accomplished with existing technology and modest improvements in global coordination.

Effective global governance is global governance that tackles these issues better than the regional governments of the world can independently. Global governance is key to solving global problems. Without it, we may not be able to avoid weakest-link existential risks or regulate new and dangerous technologies. With it, we may be able to prosper as we never have before. The next step is to determine how effective global governance can be achieved.

#### China’s rise is motivated by status---misdiagnosing them as an inherently revisionist state in need of containment makes them more aggressive and causes war.

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Identity, Insecurity, and China’s Place in the World

China’s view of, and future place in, the international order are importantly connected to its experiences during the Century of Humiliation and the dual concepts of national humiliation and national rejuvenation that constitute its self-understanding. The Century of Humiliation began with the first Opium War in 1839, when Britain forced China to open its ports to the opium trade, and did not end until the success of the Chinese Communist Party (CCP) in the civil war of 1949. During this time, China was the target of repeated international interventions, lost large pieces of its territory to Western powers and Japan, saw the collapse of its millennia old imperial system, and was torn apart by internal uprisings.44 According to the national humiliation narrative, the first Opium War represents a distinct turning point in Chinese history, when a powerful and successful ancient civilization was forced into a semi-colonial position at the hands of foreign interventions. National humiliation is an active part of contemporary Chinese collective identity. It serves as an important resource for those cultivating Chinese nationalism, unifying the Chinese people against foreign others who perpetrated these past humiliations and legitimating the CCP, the party seen as leading China’s reemergence as a major power.

The Century of Humiliation, however, is not just about recounting a particular interpretation of the past. Rather, it actively informs beliefs about how the world works and is used to interpret the dynamics of international relations today.45 Specifically, the national humiliation narrative constructs China’s self-understanding and its place in the international system, shaping its interests and aspirations as a rising power. First, the narrative of national humiliation represents China as a victim of Western subjugation. When articulated in the context of current international relations, this representation works to breed suspicion of outside actors, including the United States, and gives an emotional valence to seemingly inconsequential interactions. For example, in 2001 a US spy plane collided with a Chinese fighter jet over the South China Sea, sparking an international incident and inflaming tensions between China and the United States. As the incident played itself out, it became apparent that “resolving this problem did not involve military retaliation or economic reparations so much as symbolic recognition: China demanded a public apology from the United States.”46 Thus, understood through the prism of national humiliation, interactions with the West are always contextualized in a history where China suffered humiliating losses at the hands of Western expansion, and where Western power is, in and of itself, the instrument of that subjugation.

Second, the narrative of national humiliation constructs Chinese understandings of its military power and that of the United States by imposing a moral subtext to power politics. Building from its treatment during the Century of Humiliation, the international community’s actions toward China are viewed as unjust, reinforcing suspicion of foreign powers’ intentions.47 Within this frame, a self–Other dynamic is created, whereby Chinese history is reimagined as one of benevolent hegemony, when China governed and projected its influence in peaceful ways. This is positioned in contrast to the use of force and coercion common to Western hegemony. Today these self–Other representations guide Chinese understandings about the purpose and meaning of Chinese and American power. In China’s eyes, its burgeoning military power is consistent with its history and thus is not threatening. These representations are at work in Chinese rhetoric that characterizes its growing power as its “peaceful rise.” As Zheng Bijan argued, China’s rise will be different than that of previous major powers, as “China will transcend ideological differences to strive for peace, development, and cooperation with all countries of the world.”48 At the same time, US foreign policy is contextualized within this narrative by reference to Western aggression during the Century of Humiliation. Since the end of the Cold War, the United States has more forcefully criticized China’s human rights record, undermined its bid to host the 2000 Olympics, increased arms sales to Taiwan, and strengthened its presence in the region.49 While US foreign policy has been couched in the language of engagement, many in China view this as a simple euphemism for containment.50 This is especially the case with the Obama administration’s recent “strategic rebalancing,” known popularly as the “pivot to Asia.” As a consequence, any attempt by the United States to contain or limit Chinese power is seen as an act of misrecognition and an unjust and aggressive attempt to subjugate China once again.

Finally, the narrative of national humiliation highlights China’s “historical experience with territorial loss and intrusion,” thus placing the maintenance of sovereignty at the center of China’s national identity.51 The Century of Humiliation is understood to be representative of a loss of sovereignty, where outside forces were able to expose the state’s weakness and delegitimize its institutions. Therefore, any perceived infringement of China’s sovereignty is read through the lens of national humiliation and understood to be an existential threat to China’s security. Importantly, these threats are not material in nature, for China’s physical security is not in doubt. Rather, they represent a symbolic threat, suggesting that China continues to be vulnerable to outside influence. Moreover, sovereignty is the cornerstone of the current international order. Thus any perceived violation of sovereignty is understood to be another subjugation of China, refusing it the rights and privileges that other states in the system enjoy.

This narrative of national humiliation operates alongside the goal of national rejuvenation, which provides the motivation for China’s contemporary foreign policy interests. If national humiliation recounts the losses China suffered at the hands of the West and Japan, national rejuvenation promises to restore for China the status it lost during the Century of Humiliation. In articulating China’s self-understanding in these terms, China’s major power status is understood as a right: respect that China should regain by virtue of its former status as a great nation.52 Thus, China’s rise to major power status is not about obtaining something new or a gaining an advantage over others, but rather as a “restoration of fairness.”53 These discourses of humiliation and rejuvenation infuse Chinese foreign policy, shaping a range of behaviors from its voting record in the United Nations Security Council to its regional relationships to its burgeoning leadership role in the global economy.

Constructing China’s (Un)Peaceful Rise

China’s rise, guided by the twin narratives of national humiliation and rejuvenation, is likely inevitable. What this means for the international order will be a function of China’s interactions with the United States and the representations that animate that relationship. US foreign policy toward a rising China is often cast as a choice between engagement and containment. So-called “optimists” call for increased engagement by integrating China deeply into the global economy and institutional architecture of the international order, whereas “pessimists” see future security competition as an inevitable outgrowth of Chinese power and advocate a policy of containment.54 Both containment and engagement strategies, however, are built off of assumptions about China’s material needs and do not pay sufficient attention to China’s distinct identity needs. Thus, both approaches risk exacerbating China’s dilemma of social insecurity, and constructing China’s unpeaceful rise.

Proponents of containment do not have a sanguine view of China’s rise and argue that as China grows more powerful it is likely to lead to an intense security competition with the United States.55 Containment is a straightforward application of realist understandings of international politics, and presumes that under all conditions China will seek to overturn the international order and thus its power must be preemptively checked. China is motivated, as are all emerging major powers, by security and the related desire for power. In this view, the anarchic structure of international system forces states seeking only security to behave aggressively toward one another in an attempt to gain more power and alter the international status quo. Rising powers are revisionist powers.56 China’s economic power and influence will be the springboard for military dominance in the region because economic power is the basis of military power. China is building a blue-water navy that will allow it to project naval power well beyond the Chinese coast “from the oil ports of the Middle East to the shipping lanes of the Pacific, where the United States Navy has long reigned as the dominant force.”57 Moreover, China’s integration in regional politics is indicative of its growing influence. As it becomes less susceptible to American economic pressure, China will have increasing leverage over weaker Asian countries and the United States.58 In short, while China is not in a position to militarily challenge the United States at the present, a much more powerful China should be expected to take increasing steps to push the United States out of the Asia–Pacific region and challenge the terms of the US-led international order.59 Therefore, US foreign policy must be reoriented to contain the impending threat that China poses to the United States’ security and economic interests.

Containment, however, is based on the faulty assumption that China harbors revisionist intentions. It is not an impartial assessment of actual Chinese objectives and therefore runs a real risk of producing a self-fulfilling prophecy.60 The more militarily aggressively the United States behaves, the more threatened China will feel and thus the more likely it will be to respond aggressively to the United States. A potentially severe security dilemma is almost certain to emerge and intensify through a containment strategy, therefore reproducing international relations’ fraught history with power transitions. Moreover, containment is a deterrent strategy, designed to raise the costs of Chinese expansionism and in doing so to limit Chinese power. Deterrent strategies assume that revisionist intentions emerge within states—not from their interactions with other states, and thus ignore China’s recognition-needs. But, as the struggle for recognition highlights, treating a socially insecure state as if it were greedy will only exacerbate its insecurity, fuel its interest in revisionism, and construct China’s unpeaceful rise.

#### Otherwise, status competition goes nuclear---SCS and ECS provocations escalate and draw in great powers. Letting China peacefully surpass the U.S. is the only way to avoid war.

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The United States and its allies and partners rightfully seek to protect their interests by bolstering their respective positions, even as they continue to cooperate with China. The strategy may succeed, but at its core is the assumption that stability can best be gained if China continues to acquiesce to the international order as established after World War II by the United States and its allies. China's conviction that its security depends on changes to this order sets up a deep, structural contradiction that is unlikely to be resolved any time soon. Beijing can accordingly be expected to persist in peaceful methods to supplant the United States as Asia's leader. If, however, Beijing at some point concludes that the United States and its allies have successfully stymied its aspirations, China may be tempted by riskier methods to assert its status. A precedent for such behavior may be seen in a rising Germany of the 1890s-1900s. Convinced that it had been denied a status befitting its national power by Britain and France, Germany provoked a series of militarized crises around the world. In 1906, Germany threatened war against France after the two feuded about influence over Morocco. And in a second Moroccan crisis five years later, Germany extracted colonial concessions after it deployed a gunboat in response to a French military intervention. In China's case, brinksmanship behavior could be carried out in the contested East or South China Seas with military ships and aircraft. Already, a growing literature by Chinese military writers recommends the skillful exploitation of military crises for strategic gain.

Brinksmanship carries its own risks, of course. Miscalculation could lead to unwanted war. The strategic effects could be severe as well. Rivals like the United States, Japan, and India could be alarmed enough by a clash that they step up military preparations, aggravating China's security situation. Moreover, conflict could imperil China's grand Belt and Road Initiative ambition, if aggrieved neighbors opt out and welcome investments by Japan and India instead. China has many good reasons to never consider military provocations against a neighbor. But Beijing also has compelling reasons to increase the country's standing and diminish that of the United States and its allies. Given that the ruling Chinese Communist Party has staked its reputation towards that end, China's leaders should be expected to consider all available options to achieve it.

### 1NC---Bioterror Turn

#### Growth-driven tech innovation proliferates and advances the technology necessary to conduct bioterrorism.

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Whatever the actual potential of these technologies, it is clear that a powerful technological imaginary exists among policy makers, technologists, and economists that contributes to an unshakeable faith in innovation and human ingenuity to solve the decoupling challenge. Degrowth proponents have so far mainly challenged this optimism by emphasizing the limited potential of renewable energy due to its intermittency and high land and raw material demands (e.g. Kallis, 2018). However, this may downplay the (at least theoretical) potential for convergent breakthroughs in nanotechnology, synthetic biology, and AI to vastly improve renewable energy efficiency and storage systems while designing new materials to substitute for depleting minerals (Diamandis and Kotler, 2014). More broadly, while degrowthers have to some extent considered individual FIR technologies (particularly AI and biotechnology) (e.g. Kallis, 2018; Kerschner et al., 2018), they have yet to address their convergent and mutually amplifying character, which leaves them vulnerable to the arguments of techno-optimists. Of course, the revolutionary promise of these technologies may fail to materialize, and, given the magnitude of the decoupling challenge, degrowth advocates are right to be skeptical. However, due to irreducible uncertainty combined with the ‘exponential’ and ‘revolutionary’ potential of the FIR (Schwab, 2017), even more rigorous critical assessments would always be insufficient in the eyes of the techno-optimists. Therefore, an alternative line of response should also be pursued: what if the FIR does succeed in decoupling economic growth from total environmental impact? What unintended consequences then might this give rise to?3 Dual-use technologies and the democratization of violence First, we must consider that all these are ‘dual-use technologies’, or technologies with potential both for economic productivity and violence. As Blum and Wittes (2015, p. 2) explain, these technologies are driving a trend referred to as the ‘democratization of violence’ in which the ‘destructive power once reserved to states is now the potential province of individuals’. Rather than simply a matter of creating new individual weapons, Blum and Wittes (2015, pp. 39, 7-8) emphasize that convergent FIR technologies are generating ‘whole technological fields – a series of breakthroughs in basic science and engineering’ that ‘generate creativity in their users to build and invent new things, new weapons, and new modes of attack’. And to compound the problem, while FIR technologies empower individuals to kill and provoke systemic chaos unlike any other time in history, they also empower states to monitor the minute details of private and public life and potentially constrict individual and collective freedoms, while the unprecedented threats enabled by these same technologies will likely reinforce governmental efforts to intensify securitization as deeply as is technologically feasible. Blum and Wittes summarize the emerging predicament as follows: How should we think about the relationship between liberty and security when we both rely on governments to protect us from radically empowered fellow citizens around the globe and also fear the power those same technologies give to governments? (Blum and Wittes, 2015, p. 13) Blum and Wittes do not consider how the earth system crisis will intersect with these threats, either as a positive or negative feedback. But it should be clear that, in a world of FIR-driven sustainability solutions, they would inevitably intensify, and it is thus necessary to consider what new problems and governmental responses they would engender.4 Without claiming to exhaustively describe the security risks created by the FIR, I will focus on three emerging areas of concern: biosecurity, cybersecurity, and state securitization, and will then discuss how they may collectively generate a spiral of insecurity and securitization. Biotechnology and the emerging terrain of biosecurity To begin with biosecurity, both the promise and peril of biotechnology – particularly the still nascent field of synthetic biology – is its immense creative potential. As a recent report from the National Academies of Sciences (NAS) describes: synthetic biology is expected to (1) expand the range of what could be produced, including making bacteria and viruses more harmful; (2) decrease the amount of time required to engineer such organisms; and (3) expand the range of actors who could undertake such efforts. (NAS, 2018, p. 4) For example, manipulating DNA structures in microorganisms can make certain agents more virulent, improve their resistance to antibiotics and vaccines, make them less detectable by already limited surveillance systems, transform harmless microorganisms into deadly ones, and make pathogens more resilient to diverse atmospheric conditions, thus increasing their lifespan (Charlet, 2018; NAS, 2018). At present these capabilities remain limited and dependent on highly advanced techniques and laboratory equipment, which is why most experts believe there have to date been no mass casualty bioterror attacks (NAS, 2018). However, the NAS notes that improvements in synthesis technology have followed a ‘Moore’s Law–like’ curve for both reductions in costs and increases in the length of constructs that are attainable’, and that ‘these trends are likely to continue’ (NAS, 2018, pp. 18–19). Moreover, automated DNA synthesis techniques remove much of the time-consuming and technically difficult aspects of manipulating DNA, further reducing barriers to access (Wintle et al., 2017). And in the future, experts warn that ‘convergent capabilities’ between synthetic biology, information technology, nanotechnology, and 3D printing may enable ‘sudden’ breakthroughs in bioweaponization (e.g. by improving bio-agent stability and delivery, providing advance[d]s aerosolization capability, and accelerating the ‘Design-and-Build’ cycle) (NAS, 2018, p. 87). The possibilities of bio-weaponization will expand as these techniques diffuse, which are already enabling the formation of a ‘DIYbio’ movement in which amateur scientists, inventors, and others are increasingly ‘capable of doing at home what just a few years ago was only possible in the most advanced university, government or industry laboratories’ (Bennett et al., 2009, p. 1109). The new CRIPSR/Cas9 gene editing technique further expands the range of genomic tinkering available to individuals, which has been widely embraced by the DIYbio community as a powerful tool that ‘makes it easy, cheap, and fast to move genes around – any genes, in any living thing’ (Maxmen, 2015). The capacities of DIY biohackers remain limited in important ways, though the trends described above suggests they will continue to increase as barriers to advanced bio-weaponization fall (NAS, 2018). And while the risks are evident, the democratization of these techniques may also facilitate the diffusion and customization of local solutions to environmental and health challenges while enhancing popular participation in the direction of biotechnological evolution away from transnational corporate dominance (Bennett et al., 2009). We can therefore say that these emerging technologies pose a unique kind of ‘security dilemma’: while their development and diffusion may strengthen local and global capacities to solve environmental challenges, they may also imperil global security by unleashing uniquely powerful and complex violence capabilities. Synthetic biology is only in its early stages, and governments from the UK to China aim to ‘accelerate [its] industrialization and commercialization’ in order ‘to drive economic growth’ and ‘develop solutions to key challenges across the bioeconomy, spanning health, chemicals, advanced materials, energy, food, security and environmental protection’ (Synthetic Biology Leadership Council, 2016, pp. 13, 4). If calls for emergency action to exponentially expand the green economy indeed accelerate these trends (Falk et al., 2018), then by 2030 (and more so by 2040) we will live in a world where genetically engineered biofuels dramatically increase, genetic tinkering with crop varieties is normalized to enhance agricultural resilience, and gene drives are deployed to control old and new disease vectors intensified by climate change (among other potential applications), which would exponentially expand the number of individuals with biotech expertise and access to the needed equipment. Therefore, while we have yet to experience a catastrophic bioterror attack, rapid advances in synthetic biology are nonetheless creating a ‘black swan waiting to happen’ (Bennett et al., 2009, p. 1110), and the risk is that such black swans could become increasingly ‘normal’ if this technology becomes a key engine of economic growth and green technological innovation.

### 1NC---!D---Heg

#### No leadership impact.

Fettweis 20, Associate Professor of Political Science at Tulane University. (Christopher J., 6-3-2020, "Delusions of Danger: Geopolitical Fear and Indispensability in U.S. Foreign Policy", *A Dangerous World? Threat Perception and U.S. National Security*, <https://www.cato.org/publications/publications/delusions-danger-geopolitical-fear-indispensability-us-foreign-policy>)

Like many believers, proponents of hegemonic stability theory base their view on faith alone.41 There is precious little evidence to suggest that the United States is responsible for the pacific trends that have swept across the system. In fact, the world remained equally peaceful, relatively speaking, while the United States cut its forces throughout the 1990s, as well as while it doubled its military spending in the first decade of the new century.42 Complex statistical methods should not be needed to demonstrate that levels of U.S. military spending have been essentially unrelated to global stability.

Hegemonic stability theory’s flaws go way beyond the absence of simple correlations to support them, however. The theory’s supporters have never been able to explain adequately how precisely 5 percent of the world’s population could force peace on the other 95 percent, unless, of course, the rest of the world was simply not intent on fighting. Most states are quite free to go to war without U.S. involvement but choose not to. The United States can be counted on, especially after Iraq, to steer well clear of most civil wars and ethnic conflicts. It took years, hundreds of thousands of casualties, and the use of chemical weapons to spur even limited interest in the events in Syria, for example; surely internal violence in, say, most of Africa would be unlikely to attract serious attention of the world’s policeman, much less intervention. The continent is, nevertheless, more peaceful today than at any other time in its history, something for which U.S. hegemony cannot take credit.43 Stability exists today in many such places to which U.S. hegemony simply does not extend.

Overall, proponents of the stabilizing power of U.S. hegemony should keep in mind one of the most basic observations from cognitive psychology: rarely are our actions as important to others’ calculations as we perceive them to be.44 The so‐​called egocentric bias, which is essentially ubiquitous in human interaction, suggests that although it may be natural for U.S. policymakers to interpret their role as crucial in the maintenance of world peace, they are almost certainly overestimating their own importance. Washington is probably not as central to the myriad decisions in foreign capitals that help maintain international stability as it thinks it is.

The indispensability fallacy owes its existence to a couple of factors. First, although all people like to bask in the reflected glory of their country’s (or culture’s) unique, nonpareil stature, Americans have long been exceptional in their exceptionalism.45 The short history of the United States, which can easily be read as an almost uninterrupted and certainly unlikely story of success, has led to a (perhaps natural) belief that it is morally, culturally, and politically superior to other, lesser countries. It is no coincidence that the exceptional state would be called on by fate to maintain peace and justice in the world.

Americans have always combined that feeling of divine providence with a sense of mission to spread their ideals around the world and battle evil wherever it lurks. It is that sense of destiny, of being the object of history’s call, that most obviously separates the United States from other countries. Only an American president would claim that by entering World War I, “America had the infinite privilege of fulfilling her destiny and saving the world.“46

Although many states are motivated by humanitarian causes, no other seems to consider promoting its values to be a national duty in quite the same way that Americans do. “I believe that God wants everybody to be free,” said George W. Bush in 2004. “That’s what I believe. And that’s one part of my foreign policy.“47 When Madeleine Albright called the United States the “indispensable nation,” she was reflecting a traditional, deeply held belief of the American people.48 Exceptional nations, like exceptional people, have an obligation to assist the merely average.

Many of the factors that contribute to geopolitical fear — Manichaeism, religiosity, various vested interests, and neoconservatism — also help explain American exceptionalism and the indispensability fallacy. And unipolarity makes hegemonic delusions possible. With the great power of the United States comes a sense of great responsibility: to serve and protect humanity, to drive history in positive directions. More than any other single factor, the people of the United States tend to believe that they are indispensable because they are powerful, and power tends to blind states to their limitations. “Wealth shapes our international behavior and our image,” observed Derek Leebaert. “It brings with it the freedom to make wide‐​ranging choices well beyond common sense.“49 It is quite likely that the world does not need the United States to enforce peace. In fact, if virtually any of the overlapping and mutually reinforcing explanations for the current stability are correct, the trends in international security may well prove difficult to reverse. None of the contributing factors that are commonly suggested (economic development, complex interdependence, nuclear weapons, international institutions, democracy, shifting global norms on war) seem poised to disappear any time soon.50 The world will probably continue its peaceful ways for the near future, at the very least, no matter what the United States chooses to do or not do. As Robert Jervis concluded while pondering the likely effects of U.S. restraint on decisions made in foreign capitals, “It is very unlikely that pulling off the American security blanket would lead to thoughts of war.“51 The United States will remain fundamentally safe no matter what it does — in other words, despite widespread beliefs in its inherent indispensability to the contrary.

### 1NC---!D---Sanctions

#### No sanctions impact---their ev says we just start launching nukes without financial tools, which is ludicrous.

#### NoKo sanctions fail---denuclearization is impossible---five reasons.

Lei 18, an associate research fellow with China Institute of International Studies, a foreign policy think tank based in Beijing. (Cui, June 22nd, 2018, “Why It’s Nearly Impossible to Denuclearize North Korea”, <https://thediplomat.com/2018/06/why-its-nearly-impossible-to-denuclearize-north-korea/>)

First, recent developments in international politics might discourage North Korea from honoring its commitment to denuclearization.

On the one hand, North Korea can leverage the growing competition between the United States and China to achieve its goal. With the United States now launching a trade offensive on China, it is natural for China to take retaliatory measures. If the trade dispute escalates, which is very likely, it may spill over to the security field. If once again in the future North Korea refuses to take further steps to denuclearize, and the United States tries to persuade China to impose tougher sanctions on North Korea, it is likely that China may decline the demand as retaliation on the United States for its trade offensive.

On the other hand, the united front to exert pressure on North Korea to denuclearize is unraveling, at least for now. Just before the summit with Kim, Trump openly admitted that denuclearization needs a process, which implied that the United States has accepted the North Korean position of phased and synchronized denuclearization. China holds similar positions. In addition, China is thinking about sanctions relief. It is reported that bans on cross-border trade have been relaxed along the China-North Korea border. Russia has already been advocating sanctions relief as well. And with inter-Korea relations getting warm, the Moon Jae-in administration in South Korea is prioritizing peace over denuclearization.

Second, nuclear weapons are too precious in Kim’s eyes to be traded away for any rewards achieved after denuclearization. Promised sanctions relief or economic prosperity is not very appealing to Kim because it may lead to regime instability, as China experienced in the late 1980s. Instead, minimal opening up and quasi-isolation will more likely keep the regime secure, holding unfavorable foreign influence at bay.

Simply put, Kim wants absolute security. If he did not pursue 100 percent security, he would not have imposed extremely tight controls on the flow of people and information into and out of the country as his father and grandfather did. If he could take risks, he would not have secured his position by purging his potential adversaries and their family members, and assassinating his half-brother even though the latter constituted no political challenge to him. If he did not pursue absolute security, he would not have had hundreds of trains in north and northeast China make way for his special train when he visited Beijing in March.

Following this logic, it is hard to swallow that Kim will opt to give away the security of possessing nuclear weapons. Suppose the United States provides a security assurance to North Korea and withdraws all its troops from South Korea and even Japan — the U.S. military still poses security threats to North Korea as its intercontinental ballistic missiles can target North Korea from Guam, Hawaii, or the North American continent.

Third, North Korea has the potential to follow the Indian model. Some analysts say that, inherently different from North Korea, India has demonstrated rationality and international responsibility with regards to nonproliferation. To refute the above argument, Kim can launch a charm offensive, as he did in Panmunjom and Singapore, and persuade other countries to believe that North Korea has the same traits as India. If India can get international acquiescence to its nuclear program without punishment, then North Korea can do it too.

Fourth, North Korea needs to overcome internal obstacles to denuclearize. It has been written into the constitution that the DPRK is a nuclear weapons state. It would be hard for Kim to explain to the people why it is necessary for North Korea, as a nuclear power, to dismantle nuclear facilities. The vested interests related to the nuclear and missile programs will be another obstacle to denuclearization. Nuclear scientists and engineers will be unemployed and the military will lose a great number of posts if all the elements of the nuclear program are eliminated.

Fifth, the technical nature of denuclearization offers North Korea chance to renege sometime in the future. No doubt, it will take years to complete denuclearization as it is extremely complex. Nuclear programs involve many elements, including nuclear material, reactors, weapons, command and control systems, testing facilities, delivery vehicles, personnel, and so on. Moreover, denuclearization requires such time-consuming procedures as the capping of nuclear operations, declaration of inventories, inspections of facilities, dismantlement and verification. If Stanford scientist Siegfried Hecker’s roadmap for denuclearization, or an updated version of it, is adopted by the Trump administration, it will take about 10 years to complete the denuclearization process, which is full of uncertainties and risks. If a future U.S. president does not see North Korea as an imminent threat to the United States and loosens pressure on it, North Korea could manage to preserve minimal nuclear capability and become a nuclear threshold country. If need be, Pyongyang can resume nuclear development in a short period of time with preserved technologies and know-how. In another scenario, if Kim asks for an astronomical amount of remuneration for implementing a certain procedure of denuclearization and the United States dismisses the demand, North Korea will have a good excuse not to take further steps.

To sum up, sadly, we might never see a denuclearized North Korea in our lifetime. If we can list so many reasons why Kim will not denuclearize — aside from those having been put forward by other analysts — and if it is hard to refute most of them, then the prospect of denuclearization is desperately dim. Perhaps, barring military options that entail catastrophic and unbearable consequences, the only thing we can do may be, through a prolonged negotiation process, to make North Korea as incomplete of a nuclear power as possible.

#### Iran sanctions fail---JCPOA proves.

Libby 15, \*Lewis Libby is senior vice president of Hudson Institute. He guides the Institute’s program on national security and defense issues, devoting particular attention to U.S. national security strategy, strategic planning, the future of Asia and the Middle East. \*Hillel Fradkin is a senior fellow and director of the Center on Islam, Democracy, and the Future of the Muslim World at Hudson Institute. (August 25th, 2015, “Enforcing the Iran Deal: Another Gaping Hole”, https://www.hudson.org/research/11556-enforcing-the-iran-deal-another-gaping-hole)

Americans have debated whether the Joint Comprehensive Plan of Action (JCPOA) gives inspectors sufficient visibility into suspected, undisclosed Iranian activities, and whether, in the event of Iranian breach, sanctions will snapback. But there’s a bigger problem: the Joint Plan grants Iran and friends grounds to exclude from snapback sanctions long-term sales of Iranian oil and gas, or virtually any non-nuclear items that Iran wishes.

It’s a hole in the agreement through which Iran and its future business partners will shove twenty years of, for example, oil tankers. Future U.S. presidents will lose any meaningful economic leverage.

JCPOA Paragraph 37 governs snapback sanctions, which are the only means under the plan, for enforcing it. Paragraph 37 excludes snapping back old UN sanctions “with retroactive effect to contracts signed between any party and Iran or any Iranian individuals and entities prior to” sanctions being re-imposed.

So, once the JCPOA is in place and sanctions lifted, Iran or any Iranian entity could launch long-term (say 20 year) contracts to sell to “any party”— including Chinese, Russian, Lebanese or other parties friendly to Iran—all the oil or gas, for example, that Iran chooses in the future to sell. This would be similar to “output contracts” used in the commercial world. Similarly, Iran could sign long term contracts to buy or sell other non-nuclear items, as well as to cover additional, otherwise impermissible arrangements.

Yes, sanctions snap back in this scenario, but around a huge, multi-million dollar hole.

Not surprisingly, Iran has already leapt at this loophole. On July 23, just nine days after announcing the JCPOA, Iran’s Minister of Industry, Mines, and Trade, Mohammad Nematzsadeh, announced preparation of a new “model contract,” initially designed for Iranian oil and gas industries, but which might later apply to other industries as well. How long would these contracts run? Twenty to twenty-five years.

Long term contracts to sell oil usually run only a couple of years, as expert Lucian Pugliarisi of energy consulting firm EPRINC notes. But to avoid sanctions, Iran and its partners will sign much longer-term sales contracts, or tie them to investments, service or expertise transfers, common to longer-term arrangements. Either way, Iran will argue that the future business it has locked in is also locked out of any sanctions regime.

Nor will Iran be the only advocate, as Iranian Foreign Minister Javad Zarif recently stressed. Companies and countries that benefit from such long-term contracts may stand beside it. Some will likely be JCPOA parties, including China and Russia, but allies Germany and France, and indeed, other countries, too, are sending business missions to Tehran.

### ADV---Payers

### 1NC---!D---Disease

#### COVID disproves.

Other countries thump

#### No extinction from disease.

Barratt 17, PhD in Pure Mathematics, Lecturer in Mathematics at Oxford, Research Associate at the Future of Humanity Institute. (Owen Cotton-Barratt et al, “Existential Risk: Diplomacy and Governance”, pg. 9, <https://www.fhi.ox.ac.uk/wp-content/uploads/Existential-Risks-2017-01-23.pdf>)

1.1.3 Engineered pandemics

For most of human history, natural pandemics have posed the greatest risk of mass global fatalities.37 However, there are some reasons to believe that natural pandemics are very unlikely to cause human extinction. Analysis of the International Union for Conservation of Nature (IUCN) red list database has shown that of the 833 recorded plant and animal species extinctions known to have occurred since 1500, less than 4% (31 species) were ascribed to infectious disease.38 None of the mammals and amphibians on this list were globally dispersed, and other factors aside from infectious disease also contributed to their extinction. It therefore seems that our own species, which is very numerous, globally dispersed, and capable of a rational response to problems, is very unlikely to be killed off by a natural pandemic.

One underlying explanation for this is that highly lethal pathogens can kill their hosts before they have a chance to spread, so there is a selective pressure for pathogens not to be highly lethal. Therefore, pathogens are likely to co-evolve with their hosts rather than kill all possible hosts.39

## BLOCK

### Case

#### It’s reverse causal---increased economic growth staves off US retrenchment

MacDonald and Parent 18 – Paul MacDonald is Associate Professor in Political Science at Wellesley College. Joseph M. Parent is associate professor of political science at the University of Notre Dame (Twilight of the Titans: Great Power Decline and Retrenchment, Kindle Edition)

Unless trends in relative power reverse, however, our theory suggests the incoming administration will find it difficult to abandon retrenchment. Given the sluggish performance of the American economy relative to its rivals, continued deficits, and concerns about the national debt, there will be limits on the ability of the incoming administration to ramp up defense spending. Already, there have been clashes between deficit and defense hawks in Congress over the size and method of funding Trump's proposed defense increases.53 The continued increase of Chinese economic influence and military capacity in Asia presents analogous geopolitical constraints on U.S. policy in that region. Despite tough talk on the campaign trail, the real- ity is that any lasting solution to the North Korean nuclear program, mari- time disputes in the South China Sea, or the status of Taiwan will require some accommodation of Chinese interests. More broadly, efforts to remake failed states or underwrite stability in regions such as the Middle East are likely to be met with skepticism. There is little enthusiasm within either Congress or the public to undertake such ambitious projects, and it seems likely that the favored counterterrorism instruments will remain the familiar ones: standoff airpower, assistance to local allies, the selective use of special operations forces, and regional diplomacy. Given the limits on America's resources, time, and attention, the new administration will prob- ably imitate the old, seeking to keep existing wars contained, while looking to fight them on the cheap.

#### Empirics and data---U.S. lash-out is extremely unlikely.

MacDonald & Parent 18, Paul MacDonald: PhD, Associate Professor of Political Science at Wellesley College. Joseph Parent: PhD, Associate Professor of Political Science at the University of Notre Dame (Twilight of the Titans: Great Power Decline and Retrenchment, *Cornell University Press*)

Initial Findings

The pessimistic view of decline receives little support. A complete coding of the dependent variable for all sixteen cases of decline can be found in table 1 in chapter 1. Against arguments that retrenchment is rare, we find that declining powers retrenched in at least ten and at most thirteen of our sixteen cases, a range of 63–81 percent. On any accounting, the majority of declining powers began to retrench immediately before or shortly after their ordinal transition. We further find that great powers maintained policies of the status quo in at least two and at most five of our sixteen cases (a range of 13–31 percent). This finding suggests domestic interests can constrain retrenchment, but only in unusual circumstances. We also find that declining powers rarely take up policies of expansion. We find unambiguous evidence of expansion in only one of our sixteen cases: 1931 Germany. Aggressive responses to decline appear to be the exception, rather than the rule.

Decline and Preventive War

First and foremost, we did not find much support for preventive war logic. Declining powers experienced war in 4.5 percent of their country years, compared to 6.1 percent for non-declining powers. Of the sixteen cases, only six (38 percent) found themselves in an interstate war within five years of their ordinal transition. Two of these cases, however, concerned a declining great power clashing with a non-great power: Russia in the 1877 Russo-Turkish War, and France in the 1884 Sino-French War. Two additional cases involved a declining great power coming to blows with a rival great power, but not the one that had just overcome it in rank: Britain against China in the 1950 Korean War, and Russia versus Japan in the 1904 Russo-Japanese War. None of these cases resonates with the preventive war narrative, where a declining power seeks to preserve its rank through force. 21

#### B---The aff’s uniqueness means even a hesitant US will be forced to retrench.

MacDonald & Parent 18, Paul MacDonald: PhD, Associate Professor of Political Science at Wellesley College. Joseph Parent: PhD, Associate Professor of Political Science at the University of Notre Dame (Twilight of the Titans: Great Power Decline and Retrenchment, *Cornell University Press*)

Two causal mechanisms work to push even the most hesitant of declining powers toward a strategy of retrenchment. The first is negative feedback: any state acting on an idealistic conception of what its power and goals are will soon rub up against reality. 7 Declining powers that hold fast to the status quo set themselves up for failure. In foreign policy, sagging capabilities and a sprawling defensive perimeter will court disaster. Predatory powers will probe overextended and vulnerable commitments. Tough talk will be exposed as empty boasts. Unintended crises or unnecessary conflicts will sap resources from already bare coffers. Meanwhile at home, efforts to extract resources from a diminished base will come at considerable cost. Citizens will bristle at higher revenue demands and resent the disproportionate burdens of government exactions. All the while, more pressing domestic reforms will receive limited attention and insufficient funds. The single biggest incentive to retrench is to avoid the repeated and unexpected policy failures that accompany decline.

#### 6---Decline solves transition conflict---only clinging causes war.

MacDonald & Parent 18, \*PhD, Associate Professor of Political Science at Wellesley College. \*\*PhD, Associate Professor of Political Science at the University of Notre Dame. (Paul K. and Joseph M., “Twilight of the Titans: Great Power Decline and Retrenchment”, pg. 2-3, Published by *Cornell University Press*)

In this book, we argue that the conventional wisdom is wrong. Specifically, we make three main arguments. First, relative decline causes prompt, proportionate retrenchment because states seek strategic solvency. The international system is a competitive place, and great powers did not get to the top by being imprudent, irrational, or irresponsible. When their fortunes ebb, states tend to retain the virtues that made them great. In the face of decline, great powers have a good sense of their relative capability and tend not to give away more than they must. Expanding or maintaining grand strategic ambitions during decline incurs unsustainable burdens and incites unwinnable fights, so the faster states fall, the more they retrench. Great powers may choose to retrench in other circumstances as well, but they have an overriding incentive to do so when confronted by relative decline.

Second, the depth of relative decline shapes not only how much a state retrenches, but also which policies it adopts. The world is complex and cutthroat; leaders cannot glibly pull a policy off the shelf and expect desired outcomes. Because international politics is a self-help system, great powers prefer policies that rely less on the actions of allies and adversaries. For lack of a better term, we refer to these as domestic policies, which include reducing spending, restructuring forces, and reforming institutions—all to reallocate resources for more efficient uses. But international policies may also help, and they include redeploying forces, defusing flashpoints, and redistributing burdens—all to avoid costly conflicts and reinforce core strongpoints. The faster and deeper states fall, the more they are willing to rely on others to cushion their fall. Retrenchment is not a weapon but an arsenal that can be used in different amounts and combinations depending on conditions and the enemies faced.

Third, after depth, structural conditions are the most important factors shaping how great powers respond to relative decline. Four conditions catalyze the incentives for declining states to retrench. One is the declining state’s rank. States in the top rungs of the great power hierarchy have more resources and margin for error than those lower down, so there is less urgency for them to retrench. Another is the availability of allies. Where states can shift burdens to capable regional powers with similar preferences, retrenchment is less risky and difficult. Yet another is the interdependence of commitments. When states perceive commitments in one place as tightly linked to commitments elsewhere, pulling back becomes harder and less likely. The last catalyst is the calculus of conquest. If aggression pays, then retrenchment does not, and great powers will be loath to do it. The world is not just complex and cutthroat, it is also dynamic. No set of conditions is everlasting, and leaders must change with the times.

Empirically, this work aims to add value by being the first to study systematically all modern shifts in the great power pecking order. We find sixteen cases of relative decline since 1870, when reliable data for the great powers become available, and compare them to their non-declining counterparts across a variety of measures. To preview the findings, retrenchment is by far the most common response to relative decline, and declining powers behave differently from non-declining powers. States in decline are more likely to cut the size of their military forces and budgets and in extreme cases are more likely to form alliances. This does not, however, make them ripe for exploitation; declining states perform comparatively well in militarized disputes. Our headline finding, however, is that states that retrench recover their prior rank with some regularity, but those that fail to retrench never do. These results challenge theories of grand strategy and war, offer guidance to policymakers, and indicate overlooked paths to peace.

#### Heg is provocative and motivates prolif to deter US intervention.

Glaser 17, associate director of foreign policy studies at the Cato Institute, Master of Arts in International Security at the Schar School of Policy and Government at George Mason University (John, "Withdrawing from Overseas Bases: Why a Forward-Deployed Military Posture Is Unnecessary, Outdated, and Dangerous," *Cato Institute*, 7-18-2017, https://www.cato.org/publications/policy-analysis/withdrawing-overseas-bases-why-forward-deployed-military-posture)

Bases can also motivate nearby adversaries to pursue nuclear weapons. Iran’s expansion of nuclear enrichment in the run‐​up to the recent nuclear deal between Iran, the United States, the United Kingdom, France, Russia, China, and Germany, for example, was likely understood by many in Tehran as a measure of protection from the United States. After all, the United States habitually intervenes in the region, is allied with Iran’s two most vociferous enemies (Israel and Saudi Arabia), and has carried out regime change and years of military occupation in the countries on Iran’s immediate east and west flanks. In addition, while bases in Japan and South Korea have arguably helped dissuade these countries from developing nuclear weapons, the U.S. presence creates pressure for North Korea to do so. Pyongyang’s efforts to secure a deliverable nuclear weapon may be partly motivated by a desire for the prestige associated with such capabilities, but fear of U.S. military power in South Korea, and a desire to deter an attack by either or both countries, are also significant motivators. Proximate U.S. military forces and an adversarial relationship with Washington helped motivate China’s 1964 acquisition of nuclear weapons. 73 And, in recent years, U.S. actions in Iraq and Libya have signaled to potential rogue states the wisdom, rather than the danger, of obtaining a nuclear deterrent, or at least maintaining a threshold breakout capability. 74

#### Assurances don’t solve prolif AND cause hedging.

Korda 18, Research Associate, for the Nuclear Information Project at the Federation of American Scientists (Matt, “The only choice is both choices: balancing assurance and coercion in nonproliferation focused alliance-management strategies,” *The Nonproliferation Review*, 25.3, DOI: 10.1080/10736700.2018.1518758)

Quantitative analyses may not be adequate to assess the utility of assurances for nonproliferation purposes. As the following case studies show, the mere existence of a defense pact often does not constitute a sufficient assurance measure to deter allied proliferation, and is therefore unsuitable as a proxy variable. Assurance and coercion strategies come in many different flavors, and therefore qualitative analysis is more appropriate in order to assess their relative utility. To that end, this article argues that neither assurance-centric nor coercion-centric strategies hold up under historical scrutiny. By uniquely considering how assurance and coercion work in tandem, this article concludes that both are necessary in order to prevent allied proliferation. Targeting only one strand of the security model is not enough to prevent allied pursuit of nuclear weapons. A strategy that overemphasizes assurance or coercion will likely encourage the targeted state to pursue a hedging strategy, in which the client continues to clandestinely develop latent nuclear capabilities while continuing to benefit from its patron’s security guarantee. Instead, by applying a combination of assurance and coercion, the patron can shape a “path of least resistance” for its client’s continued security that does not involve allied nuclear proliferation.

#### Primacy makes credibility unsustainable---pulling back strengthens it.

Krebs & Spindel 19, \*Ronald R. Krebs is a professor in the liberal arts and professor of political science at the University of Minnesota, \*\*Jennifer Spindel is an assistant professor of international security at the University of Oklahoma and a fellow at the Dickey Center at Dartmouth. (10-30-2019, “Trump’s mismanagement of the withdrawal from Syria hurt alliances — not the withdrawal itself”, *Washington Post*, https://www.washingtonpost.com/politics/2019/10/30/trumps-mismanagement-withdrawal-syria-hurt-alliances-not-withdrawal-itself/)

Those who chase credibility end up with none Allies live in constant fear of abandonment. Smaller allies often worry that when push comes to shove, their great-power patron may not come to their aid. They understand that allies share some, but not all, interests and that the alliance “halo” is often quite limited. With good reason, the Kurds care less for Trump’s fulsome tweets than for his deeds. How can nervous allies be reassured? During the Cold War, scholars and policymakers argued that the United States could bolster its credibility with adversaries and allies by consistently embracing hard-line policies and displaying strength. Limited military interventions, especially in far-off locales in defense of secondary priorities, would be particularly effective in reassuring nervous allies. If a major power was willing to expend significant resources in places of trivial value, it would surely honor its commitments to allies in locations of far greater strategic interest. This logic led, among others, to the U.S. intervention in Vietnam and the Soviet War in Afghanistan — now generally seen as tragedies for all involved. Such arguments did not die with the end of the Cold War. President Barack Obama was pilloried by critics across the political spectrum in 2013 when he shied away from launching a bombing raid in response to the Syrian government’s use of chemical weapons. They subsequently accused him of thereby emboldening the Russians — contributing in early 2014 to Russia’s annexation of Crimea and its covert intervention in Ukraine and in fall 2015 to its overt intervention in Syria. His about-face, they contended, had frightened traditional regional allies, notably the Israelis and Saudis, who began to consider other patrons and arms suppliers. Trump’s sudden announcement, for the second time, that U.S. forces would be withdrawn from Syria has reportedly worried U.S. allies even beyond the Middle East. Yet this logic is a recipe for never-ending interventions and ever-expanding commitments, which will eventually undermine alliance credibility. If states can never walk back existing commitments, they will be stretched so thin that others must doubt their will and capacity to fulfill their core alliance commitments. Credibility is a greedy master that no state can unthinkingly serve. Those who chase credibility as a means to national security — by embracing uncompromising policies, steadfastly upholding all commitments, and refusing to retrench — find themselves without either credibility or security. Pulling back need not undermine alliances. The Vietnam War was precisely the kind of high-cost intervention that should have powerfully signaled U.S. resolve and reassured its allies around the world. In fact, we find, the war made America’s allies outside the region more nervous than ever that the United States might renege on its commitments. When the United States finally pulled out of Vietnam, withdrawing with little honor, its allies cheered. Our research suggests that, if handled properly, withdrawals from existing commitments can hearten allies. However, this requires publicly drawing clear distinctions between core and peripheral interests, employing a considered policy review process, and working to minimize negative policy externalities—none of which Trump did in suddenly announcing, via tweet, on Oct. 7 that “it is time for us to get out of these ridiculous Endless Wars, many of them tribal, and bring our soldiers home …” The muddle of public statements from U.S. officials that followed over the next two weeks only compounded the issue.

#### The US can either ignore Russian status ambitions or accommodate them. Failure to accommodate provokes Russian destabilization and conflict.

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One seemingly rational policy might be to ignore Russia for the time being and to postpone the day of reckoning to the future, when Russia will be weaker. This was the approach largely followed by the Obama administration. However, it provokes Russia into engaging in even more reckless and destabilizing behavior in order for it to have its voice heard—as Obama soon found out in Ukraine and Syria. Containment, the policy now favored by many Russia hawks in Washington, risks dangerous confrontation with a country that, despite its weaknesses, is still a nuclear superpower with a formidable military. What’s more, containment is unnecessary. Russia’s leaders are well aware of the limits of their country’s power and are not looking to overtake the United States as the global hegemon or to take over management of the international system. Accommodating Russia’s status aspirations will not embolden it to pursue more radical revisionism. Instead of ignoring or containing Russia, Western leaders must try to find ways to channel its status-seeking behavior in constructive ways that contribute to global peace, stability, and development. Russia’s efforts toward economic reintegration of the post-Soviet space may have been such an opportunity. From the very start, Russian leaders made it clear that these efforts were not aimed at creating a closed neo-Soviet trade block, but were designed to strengthen Russia’s position in the larger process of pan-European integration with the EU. Eurasian economic integration could have contributed to the economic development and stability of a problematic and dangerous region while also allowing Russia to improve its international status through peaceful and constructive means. Instead of engaging with Russia’s regional integration efforts, the United States and the EU pushed back against them, threatening Moscow with further status losses and provoking (what should have been) a predictable backlash. Other opportunities to engage Russia’s status seeking in a constructive way will present themselves in Syria, Ukraine, and in the geopolitical realignments that China’s rise will generate. They will confront Western policy makers with difficult choices that will force them to find a balance between their beliefs and values and the harsh realities of power politics. In making these choices, they must understand just how important status concerns are for Russia and realize that the bigger dangers come not from empowering a declining Russia through accommodation, but from ignoring its status aspirations or seeking to constrain them.

#### Attempting to maintain hegemony over Russia backfires and triggers nuclear cyber-war.

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The first is that American policymakers think that because neither side wants nuclear war, then such a war is very unlikely to occur. Russia would be foolish, we reason, to cross swords with the powerful U.S. military and risk its own self-destruction, and many Americans find it hard to imagine that modern cyber duels, proxy battles, information operations and economic warfare might somehow erupt into direct nuclear attacks. If the Cold War ended peacefully, the thinking goes, why should America worry that a new shadow war with a much less formidable Russia will end any differently?

But wars do not always begin by design. Just as they did in 1914, a vicious circle of clashing geopolitical ambitions, distorted perceptions of each other’s intent, new and poorly understood technologies, and disappearing rules of the game could combine to produce a disaster that neither side wants nor expects.

In fact, cyber technologies, artificial intelligence, advanced hypersonic weapons delivery systems and antisatellite weaponry are making the U.S.-Russian shadow war much more complex and dangerous than the old Cold War competition. They are blurring traditional lines between espionage and warfare, entangling nuclear and conventional weaponry, and erasing old distinctions between offensive and defensive operations. Whereas the development of nuclear weaponry in the Cold War produced the concept of mutually assured destruction and had a restraining effect, in the cyber arena, playing offense is increasingly seen as the best defense. And in a highly connected world in which financial networks, commercial operations, media platforms, and nuclear command and control systems are all linked in some way, escalation from the cyber world into the physical domain is a serious danger.

Cyber technology is also magnifying fears of our adversaries’ strategic intentions while prompting questions about whether warning systems can detect incoming attacks and whether weapons will fire when buttons are pushed. This makes containing a crisis that might arise between U.S. and Russian forces over Ukraine, Iran or anything else much more difficult. It is not hard to imagine a crisis scenario in which Russia cyber operators gain access to a satellite system that controls both U.S. conventional and nuclear weapons systems, leaving the American side uncertain about whether the intrusion is meant to gather information about U.S. war preparations or to [preclude] ~~disable~~ our ability to conduct nuclear strikes. This could cause the U.S. president to wonder whether he faces an urgent “use it or lose it” nuclear launch decision. It doesn’t help that the lines of communication between the United States and Russia necessary for managing such situations are all but severed.

A related, second assumption American policymakers make is seeing the Russian threat as primarily a deterrence problem. The logic goes something like this: Wars often happen because the states that start them believe they can win, but the United States can disabuse a would-be aggressor of this belief through a show of force, thus deterring conflict. Indeed, Washington seems convinced that showing the Kremlin it will punish Russian transgressions—through toughened economic sanctions, an enhanced military posture in Europe and more aggressive cyber operations—is the best path to preserving peace.

But, when dealing with states that believe they are under some form of assault, focusing on deterrence can be counterproductive. Rather than averting aggression by demonstrating the will to fight back, America might be unintentionally increasing the odds of a war. To a great degree, this is the situation the United States already faces. Years of enlargement of NATO and perceived U.S. involvement in Russia’s internal affairs have convinced the Kremlin that America poses an existential threat. In turn, Russia’s meddling in the 2016 U.S. presidential election, coupled with a string of aggressions against its neighbors, have convinced Washington that Moscow is going for the West’s jugular.

The United States experienced this spiral phenomenon with Georgia in 2008. Convinced that Russia harbored aggressive designs on its southern neighbor, Washington policymakers accelerated U.S. military training in Georgia, openly advocated bringing Tbilisi into the NATO alliance and issued multiple warnings to Moscow against military action, believing this firm resolve would deter Russian aggression. In fact, it had the opposite effect. Russia grew increasingly alarmed by the prospect of Georgian membership in NATO, while Tbilisi felt emboldened to launch a military operation in the breakaway Georgian region of South Ossetia, which yielded an immediate and massive Russian military response

#### Deterrence by domination fails---interest asymmetry and blowback aggression.

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Primacy’s core difficulty is that if highly motivated revisionist states exist, they will be incredibly difficult to manage even with the presence of the American pacifier. Such states are least likely to credit American threats and promises, and they are most likely to accept the costs of American punishment. Primacy has a Goldilocks problem: conditions can be neither too hot nor too cold. Challengers to the American order must be so strongly motivated that they are willing to pay the very considerable costs associated with modern conflict, but not so strongly motivated that the prospect of fighting the United States fails to deter them. Perhaps that describes the world in which we live, but it seems far more likely that only a few states are motivated by an amount of revisionism that is “just right.”

Primacy depends on allies and adversaries alike being responsive to American security guarantees. The more states prefer other objectives to security, the less likely American security blandishments are to influence their behavior. Revisionist opponents will have good reason to believe they have a stronger will than the United States on critical non‐​security issues, and challenges are likely. The simple fact that such states will care far more about the issue in dispute will, thus, incentivize a gamble that the United States will decline to intervene. Even if the United States chooses to fight and even if the United States can deny the challenger its military objectives, revisionists motivated by non‐​security aims will have good reason to believe they can win the resulting contest in pain. How long will Washington continue to bear costs over a quarrel in a faraway country between people about whom it knows nothing?

If the revisionists are allies of the United States, they may simply value the issue at hand more than they value security guarantees. Alternatively, they could make the opposite bet, gambling that the United States can be convinced to support their objectives, however grudgingly, or that less resolved regional actors will be deterred by that possibility. In any case, a basic point holds. Revisionists must take risks to obtain their objectives. A state that places a very high value on non‐​security gains is much more likely to take risks. It is difficult to imagine the Goldilocks revisionists for whom U.S. commitments represent the decisive factor in their calculus.

Those dangers are particularly evident when states seek positional goods, such as status or prestige, that tend to be zero‐​sum. For instance, Wohlforth argues that status is connected to material capabilities and that “dissatisfaction [with status] arises not from dominance itself, but from dominance that appears to rest on ambiguous foundations.”28 Multipolar environments, he argues, cause status dissatisfaction because there are multiple indexes of capability (e.g., military, naval, economic) across which states compare themselves, all of which provide different assessments of status. An illustrative example is the Crimean War, where Russia pursued status goals against an overwhelming coalition whose members themselves had no security concerns. Wohlforth argues that Russia’s power on land and its ambiguity about Britain’s economic power led Russia to pursue a higher rank than it could secure with its capabilities.

Applying those arguments to East Asia should give us pause. Though Wohlforth argues that unipolarity should produce an unambiguous status hierarchy, East Asia looks similar to the Crimean example. Using Wohlforth’s metrics, China has the largest ground force in the world and the ability to rapidly augment it. That point of comparison could be relevant for potential flash points such as the Korean Peninsula. The Chinese navy is no match for its American counterpart in the open ocean, but it is growing and modernizing and would likely be operating close to its own coasts in a potential clash. Economic measures throw the problem into bold relief. Using an index of energy consumption and iron and steel production, Britain was 13.5 times more powerful than Russia at the time of the Crimean War. China’s GDP is roughly half of America’s now and is projected to overtake Washington in the next couple of decades.29 Tsarist Russia had not undergone the Industrial Revolution and misunderstood its economic implications. By contrast, Chinese growth is well understood and is the most salient feature of contemporary East Asian politics. There seems ample cause for the Chinese to experience status dissatisfaction across a number of metrics, which could be very difficult to manage through American commitments in the region.

Offensive realist revisionists pose a similar problem. Offensive realism predicts a bleak world of relentless security competition because of its focus on uncertainty. States cannot reliably predict one another’s intentions—a very difficult task in the present, and an impossible one any distance into the future. “In a world where great powers have the capability to attack one another and might have the motive to do so,” John Mearsheimer argues, states “must at least be suspicious of other states and reluctant to trust them.” The result is that “each state tends to see itself as vulnerable and alone, and therefore it aims to provide for its own survival.” The only reliable provision for security is more power.30 Unfortunately, that conclusion means that “alliances are only temporary marriages of convenience: today’s alliance partner might be tomorrow’s enemy,” and vice versa. Offensive realist predictions are, therefore, trouble for primacy. Friends and foes will be looking to take advantage of one another, and they will not be prone to regarding the commitments the United States made a long time ago as especially relevant to the present. Indeed, “great powers are also sometimes unsure about the resolve of opposing states as well as allies.” That uncertainty leads to calculated risks by aggressors and allies who begin to take security measures as though the United States may not intervene. Furthermore, because “fighting wars is a complicated business in which it is often difficult to predict outcomes,” revisionists of all stripes have incentives toward innovation and clever strategies. Fait accompli tactics that quickly revise the status quo and then dare others to push for reversal, or new military technology and doctrines that give revisionists hopes of a quick victory, are likely to be common in an offensive realist world. American commitments will be of questionable value for deterrence or reassurance under those circumstances.31

Nuno Monteiro has recently laid out the problematic relationship between offensive realist assumptions and American strategy. He argues that primacy—which he calls a strategy of “defensive dominance”— tends to create extremely dedicated minor power revisionists, for two reasons. First, primacy is a strategy of locking in the status quo through formal or informal commitments to regional actors. A favorable status quo for major regional powers will often come at the expense of local minor powers, which may be inclined to try to reverse it: for both security reasons and the non‐​security reasons noted earlier, a unipolar world will reduce the “value of peace” for some countries.

Second, the most prominent aspects of the status quo being locked in are the extant territorial, alignment, and power distribution conditions. Those conditions pose no special problems for a state that can ensure its own survival, but minor powers by definition cannot. They exist in a state of radical uncertainty regarding the intentions of the unipole. Lacking the hope of an external sponsor should the unipole turn on them, recalcitrant minor powers have incentives to build up their military power, pursue nuclear weapons, and change the status quo through salami tactics. Those actions are just the sort of security competition that primacy hopes to prevent, and they are likely to precipitate a clash with the unipole.32

#### BUT commitment traps mean we still get drawn in.

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Primacy depends heavily on credibility: the belief among interested actors that, in the final reckoning, the United States will go to war to protect the status quo it has promised to defend. A related important belief is that the United States will go to war only to protect the status quo it has promised to defend. A primacy strategy engages in a combination of “extended” and “pivotal” deterrence: it aims to convince revisionists of all stripes of American willingness to punish those who seek to overturn the status quo.

As discussed earlier, the world with revisionist states motivated enough to make primacy useful will also be one where American credibility is open to question. Offensive realist states will be motivated by a view of uncertainty that sees alliances as often unreliable alternatives to self‐​help. States with non‐​security motives will have good reason to believe that they hold the balance of resolve on non‐​security issues far from American shores. In either case, there will be ample reason for risk‐​acceptant revisionist states to consider gambling against American intervention.

To be clear, revisionists would not be doubting U.S. capabilities, although clever diplomatic and military strategies might lead them to believe they could temporarily revise the status quo. Rather, revisionists would doubt that America’s interests were large enough to justify the costs of war. Daryl Press, who generally emphasizes the decisive influence of power considerations in deterrence decisions, argues that “adversaries will doubt whether the United States will take costly actions to defend interests of secondary or tertiary importance.” A good historical example is the German military’s view of the Anschluss. Even though senior Wehrmacht officers believed that Britain and France could intervene and defeat Germany during an invasion of Austria, they endorsed Hitler’s plans, largely because they doubted that the Western powers would risk war over the unification of German speaking peoples in one country.37

In the event that deterrence fails, what will Washington do when faced with a challenge to the status quo? There is good reason to believe that policymakers will follow through on their commitments, even though the costs of war may be quite disproportionate to American stakes in the issue under dispute. After all, wouldn’t a failure to defend the status quo reveal the entire primacy strategy to be a bluff? Revisionist states might be expected to draw that conclusion, no matter how the United States framed the situation. One does not need to believe that states carefully monitor each other’s past actions in order to draw inferences about likely future behavior to credit that notion. Backing down over a commitment might clarify for many interested parties American interests in defending other commitments—all far from U.S. shores and protecting interests far more important to others than to Washington— that look just like it.

Regardless of whether revisionist states make such inferences, it is crystal clear that American decisionmakers believe they do. Harry Truman’s decision to intervene in Korea was driven by the belief that the Soviet Union would draw inferences about American willingness to fight. “If we let Korea down,” Truman argued, “the Soviet will keep right on going and swallow up one piece of Asia after another. If we were to let Asia go, the Near East would collapse and no telling what would happen in Europe.” Conversely, “if we are tough enough now, if we stand up to them like we did in Greece three years ago, they won’t take any next steps.”38 The American commitment in Vietnam hinged on credibility concerns as well, especially with regard to what its allies in the North Atlantic Treaty Organization would think. Lyndon Johnson believed that escalation was required because “to leave Vietnam to its fate would shake the confidence of all these people [i.e., other U.S. allies] in the value of an American commitment.” Richard Nixon believed he had to stay in Vietnam because “the cause of peace might not survive the damage that would be done to other nations’ confidence in our reliability.” And John Kennedy was willing to risk nuclear war in the Cuban missile crisis because “for us to fail to respond would throw into question our willingness to respond over Berlin.”39

Beyond credibility concerns, U.S. leaders may be drawn into conflict by an expanding notion of U.S. interests. Allies can take on a value independent of their geopolitical position, thereby leading the United States to protect their survival. Unfortunately, once Washington is committed to treating the security of other states as a core value, those states gain leverage over American policy. A local revisionist can credibly threaten to bear costs and risks on issues it cares deeply about, even if the United States abandons it. If the United States does not believe it can abandon its allies, it will be left adjusting its own policy to absorb the costs and risks of allied revisionism. The Cold War provides abundant examples of that danger. Because the American project in Europe was so dependent on France, the United States ended up taking on most of the costs of France’s colonial war in Indochina. Once Indochina fell, the United States began to value South Vietnam as a bulwark of anti‐​communism in the region. That attitude led to increasing support of the regime in Saigon, even though it thwarted American efforts aimed at internal reform that might have strengthened its hold on power.40

#### No diversion from economic decline

Clary 15, PhD, Assistant Professor of Political Science @ the U of Albany. (Christopher, 04/21/15, “Economic Stress and International Cooperation: Evidence from International Rivalries”, *Massachusetts Institute of Technology Political Science Department*, Research Paper No. 2015-8; pg. 19)

Setting aside the overall levels of empirical support, there is at least one other way to reconcile diversionary war with patterns of diversionary peace. It is possible that if diversionary war does occur it is less likely to occur between rivals. While rivalries have emotional salience because of the enduring conflict, they also involve states that have been unable to resolve the rivalry through military force, as evidenced by the rivalry’s continued existence. A war that a leader expects to lose is unlikely to be an attractive diversion from domestic woes.52 As Amy Oakes notes, many weak states are seeking at most a “diversionary spectacle,” by provoking controversy with a target “unlikely to fight back.”53 The median dyad in the international system is 71 percent more unequal in its distribution of capabilities than the median rival pair.54 Rivals, on average, are less attractive targets for opportunism than other states.

#### Economic crisis doesn’t cause populism---empirics.

Drezner 14, IR prof at Tufts. (Daniel, January 2014, “The System Worked: Global Economic Governance during the Great Recession, World Politics”, Volume 66. Number 1; pp. 123-164)

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

#### Reject either/or revisionism---only status can explain contradictions.

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Starting with China, previous studies claim that China is either a status quo power13 or a revisionist power,14 and proponents of the different standpoints have their daggers drawn about whose account is the most accurate one.15 Yet we need to escape the trap of the either/or logic and open up to the possibility that China simultaneously can be a status quo power and a revisionist power. This becomes obvious when we consult primary official Chinese sources as well as secondary academic exegesis of Chinese foreign policy. As Chairperson of the Foreign Affairs Committee of the National People’s Congress Fu Ying makes clear, China has indeed “chosen to integrate itself into the international order,” yet at the same time, it seeks to “improve…its representation.”16 Similarly, Yong Deng, in his groundbreaking study on China’s struggle for status, accentuates that “the CCP leaders have sought to engineer China’s great power emergence within the world order,” but in doing so “they have geared their diplomacy toward changing the international hierarchy to facilitate China’s great-power ascent.” 17 Here we notice a tension between integrating and accepting the rules of the game and changing the status order, as evidenced by China’s admission to the WTO and its acceptance of global trade rules, while simultaneously struggling to gain a greater position within the WTO hierarchy. 18

If we turn to the United States, we can observe a comparable puzzle. For sure, logically the United States cannot be a revisionist power in relation to the positional status dimension of the international order. If it desires to maintain its preeminent position, this unequivocally means preservation of the status-quo. Yet whereas Barack Obama stresses the desire to maintain global leadership, he at the same time emphasizes the need to write new regional rules to ensure leadership in the Asia-Pacific.

19 In their respective studies on the Bush administration’s “transformational diplomacy,” Robert Jervis and Ian Hurd highlight that the United States, in that it wants to preserve its dominant position in the international order, simultaneously “seeks to change the rules of that order.”20 In this way, the United States is taking active part in a “process of changing and remaking the social foundations of the international system.”21 I hash out this problem at length in the conceptual section of the literature view.

Status quo and revisionism are best conceptualized in relation to a struggle between “alternative international orders,” 22 which makes the definition of international order fundamental to the scientific enterprise of investigating preservation and change in the international system. What is at stake, however, does not fit a unidimensional conceptual framework. On the one hand, we are grappling with a social-relational, positional dimension of the international order that concerns status; on the other hand, we are dealing with a social-systemic dimension of the international order that concerns institutions. Yet apart from a conceptual framework that takes into account both the positional and the institutional dimensions of the international order, we must also demonstrate how they relate to the two core domains of the international order – the economic domain and the security domain. My conceptual framework addresses this problem and makes a significant contribution to the definitional parameters of international order, necessary to improve our understanding of status quo-seeking and revisionism and the ongoing struggle between alternative regional orders in the Asia-Pacific.

The second scientific component of the dissertation concerns theoretical innovation. Even though the underpinnings of my theoretical framework to a large extent build on structural realist insights, there are certain theoretical problems that call for theoretical remodeling in order to enable the analysis of status quo-seeking and revisionism to pierce both ways – towards explaining the policies of preservation and change of both the rising great power and the declining superpower.

Various structural realist theories essentially view the dominant state as “always satisfied” and the rising power as dissatisfied and revisionist by definition.23 The theories can therefore not fathom that the US is a deeply conservative power in that it wants to maintain its preeminence atop the global hierarchy, yet at the same time, in both its neoconservative and liberal internationalist guises, a deeply revisionist power that wants to rewrite the rules of the game.24 The theories can neither conceive of China as simultaneously being dissatisfied with the international status order dominated by the United States while being satisfied, in part, with the institutional foundation of the international order, which serves its interests, incurs great benefits, and largely underpins its rise. Yet despite their shortcomings, the major structural realist theories all elucidate that the dominant power will take preventive measures to block the ascendance of the rising state.25 As Mearsheimer states: “the United States can be expected to go to great lengths to contain China and ultimately weaken it to the point where it is no longer capable of ruling the roost in Asia.”26 These preventive measures to maintain dominant status are revisionist.

In essence, we need to shift the theoretical focus from security to status. The explanatory focus of structural realist theories relates status quo-seeking and revisionism to issues of security and conquest, or rather insecurity and territorial aggrandizement, with the analytical focus on either status quo or revisionism depending on what structural logic one adheres to; whether defensive realism or offensive realism, whether theorized as part of security-maximizing or powermaximizing behavior. 27 Various IR scholars have convincingly demonstrated that states want status, and have accentuated the importance of status, rather than security, in explaining revisionism and dissatisfaction with the status quo.28 However, their theoretical focus repeats the flaws of the various structural realist theories by only focusing on rising states and the link between status enhancement and revisionism, leaving the link between status maintenance and revisionism unexplored. This is problematic since “none of the principal power-wielders in world affairs is happy with the status quo,” as Samuel Huntington succinctly points out. 29 Hence, status concerns relates to both rising and declining powers.

#### Retrenchment bolsters Chinese integrationists and moderates their foreign policy BUT hegemony ensures hawks take over and escalate Chinese aggression.

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The foreign policy preferences of China’s elite vary fairly widely. Shambaugh and Xiao have identified seven distinct orientations toward the status quo within Chinese foreign policy discourse. At the integrationist end of the spectrum are the Globalists, who believe that China should take on additional responsibility for global governance within the existing framework of institutions – in short, China should “act as a responsible power.”56 Chinese Globalists are much like Western “liberal institutionalists,” and are thus generally supportive of the liberal order. Five other perspectives (which Shambaugh and Xiao identify as Selective Multilateralists, the Global South school, the Asia Firsters, the Major Powers School, and the Realists) are less sold on the liberal order, but at least agree that some degree of participation in its institutions, norms, and rules is necessary.57

But there is one group – the Nativists – that rejects participation in the liberal international order. The Nativists are “hyper-nationalist” Marxist ideologues who oppose domestic reforms aimed at producing openness and market capitalism. In the realm of foreign policy, they oppose participation in the liberal order because they “view international multilateral involvement as ‘traps’ (laid by the West) to embroil China in costly overseas commitments.”58 Nativists have multiple reasons for rejecting integration, not all of which have to do with status – for instance, they worry that participation in the Western order will destabilize the Communist Party. But they are also deeply concerned about China’s status and are skeptical about the prospects of achieving their ambitions within an order dominated by Western powers. According to Shambaugh and Xiao, Nativists “regularly harp on the nationalist theme of the ‘century of shame and humiliation’ and argue that China is entitled to global respect (particularly by those powers that previously humiliated China).”59

Liu Mingfu’s sensationally popular China Dream is a remarkably open call for a deep revisionist challenge to the liberal order. While Liu may not be a Nativist (according to Shambaugh’s classification), his writing is worth considering as a modern Chinese manifestation of the kind of argument that Friedrich von Bernhardi popularized in Germany during the years before World War I. Liu’s central proposition is that China should aim to become a “champion” nation – the global top dog or leader (as distinct from the hegemon, which to Liu implies a form of imperialism and military domination). As the “champion,” China would “create a new world order that prefers peace, development, freedom, and cooperative civilization.” This seems like a clear demand for China to – at some point – remake the international order.

What is significant is the source of the demand for radical revisionism, and its implications for China’s participation in the liberal order. Liu links the need for a new order to the deficiencies of American hegemony, the “worst expression” of which is “its monopolization of its status as champion.”60 In other words, the United States will not accede willingly to China’s attainment of a position of equality in a “multipolar” world. The book goes on to document and decry American efforts to contain the rise of China, considers lessons fromthe successfulAmerican defeat of two other potential “champions” (the Soviet Union and Japan), and makes a clear argument against integrating too deeply within the liberal order:

However, it cannot be denied that America has a clear upper hand in terms of control and power with China. China can be promoted to copilot to help the United States cope with risks, but this will only help America maintain its position as pilot. America allows opponents to board its plane, which is ultimately a higher degree of control and containment.61

Integrating within the liberal order would amount to becoming Washington’s “copilot,” which would do nothing more than strengthen the basis of a status hierarchy that the United States is intent upon preserving. This is reminiscent of the way that Bernhardi, militant pan-Asianists, andWeimar nationalists argued against participation in the pre-WorldWar I and interwar orders. And Liu’s book is hardly peripheral: in 2013, Xi Jinping began invoking the term “China Dream” to describe his vision for China’s future, and has reportedly been deeply influenced by the book’s central argument.62

Nativists and other revisionists may not be ascendant in Chinese foreign policy decisionmaking, but their foreign policy preferences are not marginal either. While other schools of thought do not take such strident positions against participation in the liberal order, some share a sense of skepticism: Realists for instance, are also concerned that Western institutions are traps meant to keep China down.63 And Chinese elites remain worried about Chinese status and link it to the terms of participation in the liberal order – they emphasize “equality of participation” over “governance” and chafe at the idea of complying with American standards in order to be recognized as a “responsible power.”64

So while Chinese foreign policy is currently run mostly by proponents of intermediate and at least partially integrationist perspectives, Nativists and others like Liu constitute a loud and potentially influential voice for policies that reject the liberal international order – much like Pan-Asians or German radical nationalists spent the 1920s demanding policies of protest and delegitimation from the more moderate leaders who ran Taisho¯ and Weimar foreign policy.65 It is not difficult to imagine support for the Nativist perspective (not just among the elite but also in the public) growing along with developments that seem to confirm fears that Chinese status ambitions face an insurmountable, unjust obstacle imposed by the United States and the liberal order. Indeed, evidence suggests that Chinese “netizen” nationalists are hyper-aware of status issues and often mobilize in response to concerns about the way China is treated by foreign actors and what that treatment says about China’s international standing.66

Status, Domestic Politics, and Chinese Foreign Policy

The question that remains is whether – in China’s authoritarian system – pressure from outside the government for radical revisionist policies could have much influence. The government is (and likely will be for the foreseeable future) committed to foreign policy moderation: but what if developments appearing to confirm that China faces a status “glass ceiling” increase support for the Nativist position and lead to widespread demands for policies aimed at rejecting the liberal order? Could these forces impact Chinese policy in the same way that they impacted German and Japanese policy? It is hard to know for sure, but there is good reason to think that the government is susceptible to influence from external pressure and that it may only become more so in the future.

While some scholars maintain that Chinese policymakers mostly effectively ignore public opinion, or that public opinion prompts short-term shifts in official rhetoric or policy but does not influence grand strategic direction, many others agree that “bottom-up” forces play a significant role in Chinese foreign policy.67 Unofficial attitudes and preferences cannot influence policy through the mechanisms of electoral political competition, but this does not mean they are irrelevant. First, policy has to be at least somewhat responsive to the diversity of elite preferences – just as Bethmann Hollweg was constrained by the attitudes of the Kaiser, Tirpitz, and the Pan-Germans, Chinese leaders may be constrained by the preferences of Nativists and some status-sensitive and integration skeptical Realists in the military and the Party.68 Second, mass opinion can threaten China’s elite through the dynamics of widespread popular protest. According to Weiss, mass protests may menace ruling elites by creating demonstration effects, tipping points, and information cascades; facilitating future mobilization against the regime; and fostering or exacerbating divisions within the leadership.69 And while strong authoritarian states like China can prevent and manage anti-regime protests, there are costs and risks associated with doing so, especially when public opinion is aimed at forcing the regime to adopt a more aggressive foreign policy posture.70 This means that the masses can be a potent weapon for anyone interested in forcing the government into adopting a more belligerent foreign policy; in turn, this means that any factor that makes it easier to mobilize anti-Western opinion (such as apparent evidence that the United States is unwilling to accommodate a Chinese claim to equal rights) may provide opportunities for Chinese proponents of challenging the liberal order.

#### China rise is inaccurate and a self-fulfilling prophecy---Multipolarity solves China war best---clinging to dominance causes arms racing and conflict.

McKinney 19, PhD from Singapore’s Nanyang Technological University (Jared Morgan, How to avoid a contest for supremacy in East Asia, Comparative Strategy, 38:4, 316-326, DOI: 10.1080/01495933.2019.1633183)

A second discourse framework also emerged around the time of the pivot to Asia: the so-called Contest for Supremacy currently said to be underway in Asia between China and the United States.4 This essay contends that such a contest is based on a faulty theory of international relations and will create the very conditions in which hegemonic war is most likely. Strategists and military officers should stop thinking in terms of hegemonic competition to be number one and restore a forgotten tradition described by adjectives such as balance, parity, equilibrium, and stability.

Power transition theory and American grand strategy

The frame of a contest for supremacy, the increasingly dominant way to conceive of Sino American rivalry, is based (even if often subliminally5) on power transition theory (PTT). At the heart of this theory is the belief that there is a “dominant power” that hierarchically structures international systems, and that war becomes probable when an unsatisfied rising power approaches, or transcends, the power capability of the dominant power.6 As constituted by its authors, PTT proposed a twofold theory of peace: avoid parity or satisfy the rising power’s ambitions.7 The essential proposition of PTT—that parity comes with many dangers—has been today restated prominently by Graham Allison under the moniker “Thucydides” trap.”

Within America’s grand strategy discourse, there have been two prevailing “solutions” to the prospect of a rising China disturbing the repose of the United States, the world’s dominant state or “unipole.” The first, traditionally called “liberalism,” has been to “socialize” and integrate China into the U.S.-led system.9 The most important stage in this process was for China to gradually become democratic. The various means to achieve this end—e.g., free trade, industrialization, or the rise of a middle class—differed, but all reflected forms of “modernization” theory descended from Enlightenment thought.10 Liberalism complemented, and did not contradict, the second “solution,” which was simply to prevent power parity. This has typically gone by the name “balancing” 11 and it has been unambiguously included in America’s National Defense/ Security Strategies since at least the early 1990s.12

Both responses are increasingly seen as inadequate.13 China’s refusal to be socialized into America’s system has “defied” the expectations of liberals.14 Meanwhile, balancers increasingly warn that China is likely not just to reach parity with the U.S., but to surpass it in Asia.15 In consequence of the failure of the two “solutions” to China’s rise, fear is increasingly becoming the driving emotion behind America’s strategic disposition in the Indo-Pacific. What the U.S. fears is perfectly clear. In the words of noted Asia scholar Lowell Dittmer, “America’s Asia is becoming China’s Asia.”16

This fear is widely held.17 Insofar as a strategist accepts the theoretical assumption that the international system is hierarchical and constituted by the rise and fall of dominant/ hegemonic states,18 this fear is warranted. Historical evidence indicates that war becomes more likely in conditions of power parity,19 and a world without U.S. dominance is likely to be more illiberal in noticeable ways.20 So much for the better angels of our nature.21 Given this dilemma, America’s new consensus is that it is time for the U.S. to “get tough” and to “stand up” to China.22 That this requires unlearning the lessons of the First World War (i.e., the danger of inadvertent escalation) is simply a cost to be paid in the quest to win the contest for supremacy.23 If the choice is either to compete in Asia to maintain America’s hegemony or to cravenly leave24 for the sake of peace—surrendering it to the Chinese—only the first option realistically matches America’s (supposedly) deeply rooted attachment to the region25 and deepseated phobia of appeasement.26 Honest balancers, such as John Mearsheimer, acknowledge that staying in the region to compete for hegemony comes with a very serious risk of major-power war. Even if neither side sought intentionally to cause such a war, the “lessons” of the First World War suggest that competitive risk-taking can occasionally get out of hand, and a great war—neither quite intentional nor quite accidental—can materialize.27 What should be “almost unthinkable” in an age of nuclear weapons28 remains quite possible, for, as the annals of history demonstrate, political leaders are not consistently “prudent, enlightened, far-sighted, and peaceloving.” 29 Far from coolly calculating interests, leaders are well known to act intuitively and emotionally,30 to choose war even when it is “materially inefficient,” 31 to prefer catastrophic defeat to humiliation,32 to be obsessed with national prestige,33 and to fight for status.34 This is the “stuff” of international politics, and anyone who blindly implies the contrary has not seriously grappled either with the historical record or the ever-growing body of scholarship on the many paths to war.35

Risking major-power war may make sense if the only alternative is U.S. dominance or Chinese dominance.36 But this is a false dichotomy. In fact, PTT is fundamentally flawed both conceptually and historically. Conceptually, the theory ignores the obvious possibility that approximate parity can be a *destination* just as well as it can be a mere waypoint. Making international politics about “supremacy” is as likely to create a contest for supremacy as it is to describe one. Historically, PTT vastly overstates the evidence supposedly in its favor. Hegemonic wars do take place.37 However, such wars seem to require certain structural conditions. These include the emergence of technologies that can give certain states a large lead, the existence of powerful enabling ideologies (e.g., monotheism38 or Nazism39) and the material significance of land and mass labor in generating wealth and power.40 That being said, PTT’s most common illustrations for “hegemonic war”—the Peloponnesian War and the First World War—only support the theory in the vaguest of manners. In 431, Athens can be said to have acted from hubris and Sparta from honor;41 in 1914, Russia—not Germany—was seen as the rising and unstoppable colossus.42 In both cases, war developed out of a confluence of international structures, the actions of allies/clients, and chance. It is far from clear that the theory of “hegemonic war” actually explains anything about these cases.43

#### Retrenchment secures Chinese status aspirations---solves war.

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Accommodation and Retrenchment or Denial and Containment?

Because of the problems with the two intermediate strategic combinations, in the long-run American decisionmakers may have to choose between the two extremes: accommodate Chinese status claims while retrenching, or deny Chinese status claims while committing to maintain American dominance in East Asia, thereby containing the rise of Chinese power. In short, the choice is whether to commit to creating a Chinese partner while accepting the reduction in American influence that would likely require, or contribute – with eyes wide open – to the creation of a deeply revisionist Chinese rival while embracing the costs of confronting that reality.

The latter approach is much like the one preferred by Chapter 7’s rejectionists.22 Chinese ambitions are bound to run up against American interests, and it is no use pretending otherwise. The United States must begin to see China as a long-term strategic rival and prepare accordingly. From this perspective, there is no reason to attempt accommodation, because accommodation would require sacrifices inconsistent with either American vital interests or non-negotiable values. This would be an expensive and risky approach to managing Sino-American relations, but it at least does not suffer from the illusion that the United States can maintain its privileged position in international politics without confronting a challenge from a dissatisfied China.

The former approach is one that few policymakers and scholars openly promote.23 If the United States is interested in avoiding the creation of a deeply revisionist, anti-Western China, it needs to accommodate China’s status claims. Since these likely include the right to a sphere of influence in East Asia, accommodation would likely have to involve a reduction of the American military presence and American influence in that region. This does not mean conceding global leadership to China. Rather, the aim would be to acknowledge that China, as a great power, deserves the same rights that the United States does in world politics – including the right to manage East Asia and the South China Sea the way that the United States manages Latin America and the Caribbean.

This approach carries with it great risks and costs as well. What would be the effect on navigation and trade through the South China Sea? Would important American allies like Japan and South Korea turn into Beijing’s vassals? What if an American withdrawal from East Asia produces a regional arms race? And what if China grows more ambitious rather than more satisfied as the United States withdraws overseas?

But accommodation/retrenchment also has some important advantages. Foremost among them is that it avoids antagonizing Beijing: it is premised upon the idea that, all else equal, accommodation is preferable to denial because denial activates forces that empower hardliners. Accommodation holds out the possibility of empowering moderates and facilitating China’s integration within a reformed version of the liberal international order that has served its economic interests well. Another advantage is that accommodation/retrenchment is cheaper than any approach involving containment. Retrenchment would reduce American military expenditures while simultaneously creating incentives for other regional powers to bear a greater share of their defense burdens. The United States could return to an offshore balancing posture, which would allow it to redeploy to the region only if China tried to overthrow the new version of the status quo order by, say launching a war in East Asia. But by not signaling status denial, Washington would short circuit one of the major causes of radical revisionist challenges in history, thereby reducing the likelihood that active onshore balancing would be necessary.

#### Growth causes rushed AI development — extinction.

De Haan 19, AI Expert, Futurist and Space Enthusiast (Hein, October, “Capitalism: The Enemy of Friendly AI,” *Towards Data Science*, <https://towardsdatascience.com/capitalism-the-enemy-of-friendly-ai-e6b3f40dbe08>, Accessed 08-27-2021)

We need to talk about our future; specifically, our future as influenced by advanced Artificial Intelligence (AI). At some point in our near future, many experts expect humanity will create the first Artificial General Intelligence (AGI): an AI that’s roughly as intelligent as humans are. Relatively shortly after, an Artificial Superintelligence (ASI: an AI much smarter than any human) will most probably arise. Note that humans rule the planet because of their superior intelligence; an ASI might very well take over due to its intelligence being superior to our intelligence. An ASI does not by default share our moral values, and many thinkers, like the late physicist Stephen Hawking, have warned that creating an ASI could lead to the extinction of humankind.

What is Friendly AI?

Let’s start by defining Friendly AI. A term coined by AI researcher Eliezer Yudkowsky, it refers to an ASI that is beneficial to humanity instead of harmful. Like we discussed in the introduction, an ASI does not by default share our morals; a Friendly AI is one that does. The importance of Friendly AI can hardly be overstated, and can be illustrated with a thought experiment called the paperclip maximizer, first described by Nick Bostrom. This thought experiment describes an AGI that is given the seemingly innocent goal of maximizing the number of paperclips in its collection.

The ASI is so successful that it eventually transforms all of Earth into paperclip manufacturing facilities.

In order to more successfully optimize the number of paperclips, the AGI improves its own intelligence in order to become an ASI. This ASI then invents (radical) new ways of manufacturing more and more paperclips; it is so successful that it eventually transforms all of Earth into paperclip manufacturing facilities. Of course, humanity goes extinct as a side effect. It’s not that the ASI hated us; it’s just that we were made out of material it could use for its own purpose.

Note that human extinction can be a side effect of a lot of goals an ASI has, not just maximizing the number of paperclips. Human extinction could even be instrumental to an ASI’s goal. Say you give an ASI the goal of minimizing the amount of spam you get in your inbox. In order to achieve this, the ASI could simply wipe out humanity, as that would guarantee that you’ll never get spam again.

What does capitalism have to do with this?

I hope the paperclip maximizer thought experiment has made it clear that “friendliness” is not a default property of ASI. That’s exactly the problem: building an ASI is a (huge) challenge, but making it friendly (a Friendly AI) requires some challenge on top of that. The point is that capitalism rewards those that are faster to market: companies rush to put their product on the market before a competitor delivers theirs, because they understand that being the first matters.

The monetary reward of being the first company to create ASI will be incredible.

The same will be true for ASI: companies are already investing billions of dollars into AI, but in the future, the total investment will only grow, especially when the possibility of creating ASI becomes more feasible. The monetary reward of being the first company to create ASI will be incredible. An ASI could do so much valuable work so much better and so much faster than any human could that the first mover advantage will be indescribable. Now remember what we discussed: Friendly AI requires an extra challenge on top of ASI. Companies might very well not think too much about friendliness in order to be the first to create ASI, and that’s where the disaster starts.

#### There’s no impact to dollar hegemony.

Pettis 14 (Michael, professor of finance at Peking University’s Guanghua School of Management, Senior fellow at the Carnegie Endowment for International Peace, MBA, Finance, Columbia University; MIA, Development Economics, Columbia University , October 05, 2014; “Are We Starting to See Why It’s Really the Exorbitant “Burden”, <http://carnegieendowment.org/2014/10/05/are-we-starting-to-see-why-its-really-exorbitant-burden/hr5x>)

In the days of the gold standard it was possible for an advanced economy like the US to suffer from the first condition. Today it suffers from none of the three conditions. 5. Let me explain why it does not suffer from the first. If the US is a net recipient of capital inflows, it is simply taking the other side of the accounting identity I listed earlier: an excess of savings over investment in one part of an economic system requires an excess of investment over savings in another part. If Japan, with its undervalued currency and repressed interest rates, forced its savings rate up above its already high investment rate in the 1980s, and used the excess to by US government bonds, the US had to see its investment rate exceed its savings rate. There are only three ways in which the US can increase investment relative to savings, or reduce savings relative to investment: It can increase productive investment. It can increase nonproductive investment, especially in real estate, as foreign inflows unleash a stock and real estate market bubble, or it can increase consumption, as these bubbles unleash a wealth effect which causes ordinary Americans to increase their consumption relative to their income (i.e. reduce their savings). In either case US debt rises faster than US debt-servicing capacity. Unemployment can rise as the expansion in imports relative to exports causes American factories to cut back on production and fire workers. Of course fired workers no longer produce but they still must consume, so the savings rate drops. These are the only three possible outcomes. If productive investment in the US has been constrained by the lack of American access to capital – domestic or foreign – as was the case in the 19th Century, it is possible that reserve currency status increases American employment and wealth creation. But in advanced economies productive investment is never constrained by lack of capital. It is almost always the case, in other words, that an increase in net foreign investment to the US (and to most advanced countries by the way) must result in some combination of a speculative investment boom, a consumption boom or a rise in unemployment. What typically happens is that in the beginning we get the first two, until debt levels become too high, after which we get the third. 6. Bryan Riley and William Wilson, two economists from the Heritage Foundation, in their response to Jared Bernstein’s article, provided their reasons in a blog entry last month for arguing that in principle the benefits of use of the dollar as the dominant reserve currency exceed the cost to the US of this higher debt or higher unemployment. Their piece was fairly short, and so I don’t want to suggest that I am representing the full scope of their disagreement, but they suggest that the benefits are: Seignorage. The largest benefit has been “seignorage,” which means that foreigners must sell real goods and services or ownership of the real capital stock to add to their dollar reserve holdings. Low Interest Rates. The U.S. has been able to run up huge debts denominated in its own currency at low interest rates. The dollar’s role as the world’s reserve currency reduces U.S. interest rates because foreign investors like to invest in the relatively safe U.S. economy. Lower Transaction Costs. U.S. traders, borrowers, and lenders face lower transaction costs and foreign exchange risk when they can deal in their own currency. It’s easier to do business with people who take dollars. Power and Prestige. The dollar’s dominant reserve status gives the United States political power and prestige. Britain’s loss of reserve-currency status in the 20th century coincided with its loss of political and military preeminence. 7. I think this is a pretty fair summary of the arguments generally used in favor of supporting “king dollar”, and I think they are worth addressing specifically. To address seniorage, the benefits of seniorage are really what the whole debate is about. If the US believes that it is important for the global trading system that the US produce enough reserves for a growing global economy, and if the global trading system benefits the US, it should do so. As long as the growth in global reserves is less than the growth in the US economy, the associated rise in debt is sustainable. But, and this is the Triffin Dilemma, if reserves and other government accumulation of US assets grow faster than US GDP, seniorage results in an unsustainable increase in US debt (or unemployment). In my previous blog entry I argued that the former may have been the case in the 1950s, but as global GDP growth exceeds US GDP growth, as more countries and regions join in the global trading system, and as there is convergence between advanced and backward economies, the growth in US debt needed to capture these benefits either becomes unsustainable or, to restrain the growth in debt, requires a rise in US unemployment. 8. To address lower interest rates, I showed in my book why foreign purchases of US government bonds do not lower US interest rates. At best they simply distort the US yield curve and in the long term even raise them. I will not repeat the full explanation here, especially as there is a bit of circularity in the argument and counterargument: If the exorbitant burden causes unemployment to rise, as Austin and Bernstein argue, fiscal revenues must drop and fiscal expenses must rise, causing total government debt to rise by the same, or more (because most of us would agree that demand created by government spending is less efficient than demand created by trade) than the capital inflows available to fund government debt. So the additional supply of funding is only equal to or less than the additional demand for funding. But if you think unemployment doesn’t rise, as Riley and Wilson might argue (I am not sure if they do or don’t), then total debt doesn’t rise, or it doesn’t rise much, and the additional funding should cause interest rates to decline. In order to keep this short I would suggest simply that we consider the following. The larger a country’s foreign current account deficit, by definition the greater the inflow of foreign money to purchase its assets, mainly government bonds in the case of the US and many other countries. The higher a country’s current account surplus, by definition the greater the outflow of money to purchase foreign assets, and the less domestic money available to purchase domestic assets. Is it reasonable, then, to assume that the larger a country’s current account deficit, the lower its interest rates, while the larger a country’s current account surplus, the higher its interest rates? This is what the low-interest-rate argument implies. 9. To address transaction costs, while it is true that trading in US dollars reduces transaction costs for American businesses, it is hard to believe that these transaction costs are not priced into the imports and exports of their foreign counterparts. More importantly, it is not clear that reducing central bank purchases of US government bonds will cause transaction costs to rise. The vast bulk of trading volume does not consist of central bank purchases of US government bonds. It is trade and investment related. If foreign central banks were limited in their ability to stockpile US dollar reserves, foreign exchange transaction costs would barely budge. 10. To address power and prestige, while it may be true that Britain’s loss of reserve-currency status in the 20th century coincided roughly with its loss of political and military preeminence, I think it is incorrect to imply that Britain lost power and prestige after the Great War mainly or even partly because sterling lost its status as the dominant reserve currency (which in fact really occurred some time in the 1930s and 1940s). It was the destruction, during the first two years of the Great War, of London’s role in trade finance (which formed the vast bulk of international lending at the time, with nearly the entire trade finance market moving to neutral Amsterdam and New York), followed by its aerial pounding in WW2, that caused London to lose its financial pre-eminence. Even today it is hard to associate London’s current role as either the first or second most important financial center in the world, depending on how you measure it, with the status of sterling as a reserve currency. What is more, the US dollar only became the pre-eminent reserve currency in the 1930s and 1940s, but the US was the leading economic power – nominally, per capita, and technologically – by the 1870s. I would argue that US power and prestige probably has more to do with the size and dynamism of its economy, with the creativity of Hollywood and New York in entertainment and fashion, with technological innovation in San Francisco, Boston, New York, Austin, and elsewhere, with its composers and artists in New York, San Francisco, and elsewhere, with its overwhelming military superiority, with its universally-valued ideal of ethnic inclusiveness and individualism, with its Ivy League and elite universities, with its think tanks, with its astonishing scientists, and with a host of other factors more important than the currency denomination of central bank reserves.

#### Iran can’t and won’t prolif.

Ditz 20, news editor at Antiwar.com, a nonprofit organization dedicated to the cause of non-interventionism. (Jason C., 9-9-2020, "Iran’s Uranium Stockpile Is Not a Nuclear Proliferation Risk", *American Conservative*, https://www.theamericanconservative.com/articles/irans-uranium-stockpile-is-not-a-nuclear-proliferation-risk/)

On top of that, Iran has never attempted to take such uranium to make a weapon, which is also non-trivial. Figuring out the exact process of turning uranium into an atomic bomb would take quite a bit of time, and converting that into a weapon small enough to deliver is a whole other challenge which would take a lot of time. And again, with the IAEA monitoring the centrifuges, Iran would be telling the whole world its intentions to even go down this path. They haven’t, and Iran has publicly, repeatedly vowed to never produce nuclear weapons.

More to the point, if Iran could snap its fingers and convert the whole stockpile, they would wind up with, optimistically, 80 kg of weapons-grade 90% uranium. How does this translate to a uranium-based arsenal?

Not great, it turns out. There are a lot of nuclear weapons designs, but let’s use America’s Little Boy design from WW2 as a model, because it is halfway well-documented, and a good example of a first-generation weapon. This contained 64 kg of weapons-grade uranium.

If Iran somehow went through all of this process, which again would take years, not three and a half months, the next step would be a successful detonation in a test to prove they’d entered the nuclear club. And beyond starting a huge war, a detonation of this type of bomb would cost them 64 kg of weapons-grade uranium, meaning they wouldn’t have enough to make a second bomb to do anything with.

While it would be conceivably possible to make smaller bombs to get more than one out of the stockpile, that is a far more complicated design problem and makes this whole process take even longer.

In conclusion, Iran has no easy path to a nuclear weapon, even if they tried to make one, which they aren’t doing anyhow. The stockpile’s size is irrelevant to making weapons, because it is far too low-enriched, and meant for energy production.

#### North Korea will never denuclearize.

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Because North Korea’s leaders are structurally xenophobic, ideologically dependent on maintaining a hyper-paranoid state of war, feel they will be safer with nuclear weapons than without them, and have a long and consistent history of non-compliance with arms reduction agreements they have signed, no amount of cajoling or engagement is likely to convince Pyongyang to give up its nuclear weapons program. There is simply no assurance the United States, South Korea, and/or Japan could conceivably offer capable of changing Pyongyang’s calculus. The only way North Korea will give up its nuclear weapons is if its leaders come to believe the cost of maintaining nuclear weapons is greater than the cost of giving them up.

#### Growth makes catastrophic outbreaks inevitable AND they only cause extinction under globalization.

Morand & Walther ‘4/20 (\*Serge Morand; PhD, disease ecologist @ Kasetsart University; \*\*Bruno A. Walther; DPhil, Taipei Medical University; 4/20/20; “The accelerated infectious disease risk in the Anthropocene: more outbreaks and wider global spread”; pg. 3-4; Accessible at: <https://doi.org/10.1101/2020.04.20.049866>) \*”to” added to preserve grammatical integrity, brackets denote a change

We here want to draw attention to another important and noteworthy feature of the Anthropocene which greatly affects public health, human well-being, and economic performance. These findings are especially pertinent as the world reels from the health, social and economic impact of the current SARS-CoV-2 pandemic (El Zowalaty and Järhult, 2020; Ghebreyesus and Swaminathan, 2020; Lorusso et al., 2020). The increasing connectivity of human populations due to international trade and travel (Guimerà et al., 2005; Colizza et al., 2006; Brockmann and Helbing, 2013; Gabrielli et al., 2019), the rapid growth of the transport of wild and domesticated animals worldwide (Rosen and Smith, 2010; Schneider, 2012; Rohr et al., 2019; Levitt, 2020), and other factors such as the increasing encroachment of human populations on hitherto isolated wild animal populations through loss and fragmentation of wild habitats (Patz et al., 2004; Despommier et al., 2006; Pongsiri et al., 2009; Myers et al., 2013) have led to a great acceleration of infectious disease risks, e.g., the increase in emerging infectious diseases and drug-resistant microbes since 1940 (Jones et al., 2008) and the increase in the number of disease outbreaks since 1980 (Smith et al., 2014). To expand the previous analysis (Smith et al., 2014) to the beginning of the Anthropocene, we investigated whether the number of disease outbreaks has increased since the Second World War. In addition, we examined whether the global pattern of infectious disease outbreaks changed possibly due [to] the increasing connectivity of human populations. In other words, have the disease outbreaks become more globalized in the sense that these outbreaks are increasingly shared by countries worldwide? To investigate these questions, we used a the most complete, reliable, and up-to-date global dataset (GIDEON Informatics, 2020) which had already been used in the previous analysis (Smith et al., 2014). This dataset can be used to enumerated the recorded annual number of disease outbreaks. To investigate the changing global patterns of disease outbreaks, we used this dataset to calculate two measures which have been recently introduced into ecological and parasitological studies. These two measures, namely modularity and centrality, quantify the connectivity of bipartite networks. Modularity is defined as the extent to which nodes (specifically, sites and species for presenceabsence matrices) in a compartment are more likely to be connected to each other than to other nodes of the network (Thébault, 2013). The calculation of a modularity measure is useful for global phenomena because it allows the overall level of compartmentalization (or fragmentation) into compartments (or clusters, modules, subgroups, or subsets) of an entire dataset to be quantified. High modularity in a global network means that subgroups of countries and disease outbreaks interact more strongly among themselves (that is, within a compartment) than with the other subgroups (that is, among compartments) (Bordes et al., 2015). Centrality is defined as the degree of the connectedness of a node (e.g., a keystone species in ecological studies; Jordán, 2009; González et al., 2010). In the context of our study, centrality is the degree of the connectedness of a country and those countries connected to it. We estimated the countries which are the potential centres of disease outbreaks by investigating the eigenvector centrality of a given country in a network of countries which share disease outbreaks among each other. Eigenvector centrality is a generalization of degree centrality, which is the number of connections a country has to other countries in terms of sharing disease outbreaks. Eigenvector centrality considers countries to be highly central if the connected countries to them through shared outbreaks are connected to many other well-connected countries (Bonacich and Lloyd, 2001; Wells et al., 2020). Modularity and centrality analyses have been used to investigate various ecological, parasitological and epidemiological questions (e.g., Tylianakis et al., 2007; Jordán, 2009; González et al., 2010; Anderson and Sukhdeo, 2011; Bascompte and Jordano, 2014; Poisot et al., 2014; Bordes et al., 2015; Genrich et al., 2017). Using a widely used world dataset on infectious disease outbreaks, we here present results which demonstrate that the accelerated number of disease outbreaks and their increased global spread are two further threatening aspects of the accelerated infectious disease risk associated with the globalization process which characterizes the Anthropocene.

#### US-China coop checks bioweapons

Pilch 20, Dr. Richard Pilch, Director of the Chemical and Biological Weapons Nonproliferation Program at the James Martin Center for Nonproliferation Studies (CNS), Middlebury Institute of International Studies at Monterey (MIIS). (5-28-2020, "Engaging China on Bioweapons and Beyond", *James Martin Center for Nonproliferation Studies*, https://nonproliferation.org/engaging-china-on-bioweapons-and-beyond/)

A Win-Win Approach

The United States and China share a responsibility to ensure the health security of the global community. This requires, at a minimum, transparent information sharing, as was witnessed with the early sharing of SARS-CoV-2’s genomic structure by Chinese scientists that enabled scientists in other nations, including the United States, to begin developing targeted countermeasures. More beneficial would be the establishment of a global surveillance and detection system to provide both early warning of public health events of international concern (PHEIC) and an immediate conduit for that same level of information sharing and rapid countermeasure development. The ideal would be an era of unprecedented government-to-government partnership, the foothold for which is already established in academia, to better understand and prevent transboundary infectious disease threats from being realized in the first place.

To get there, we need to rebuild mutual trust. This starts with an open scientific exchange that fosters collaboration and transparency; it is imperative that both nations allow such exchange to continue unimpeded. From there, the United States and China should identify and implement a series of bilateral confidence-building measures (CBMs) focused on global health security, beginning with a scientific and policy dialogue to incrementally establish mutual goals for the safety and prosperity of each nation as well as the global community. CBMs would be expected to include near real-time information-sharing on qualifying infectious disease outbreaks in accordance with the WHO’s International Health Regulations (IHR 2005) as well as technical exchanges that might include international working groups, laboratory visitations and exchanges, and joint training exercises on an international scale.

A Model of Success

The US Department of Defense’s Cooperative Threat Reduction (CTR) program offers a model and precedent for such engagement. For more than two decades, CTR has built relationships with nations around the world, including China, to reduce the threat of weapons of mass destruction (WMD).[12] On the biological side, the program’s purview has extended to natural threats in the wake of SARS 2003, H5N1 and H1N1 influenza, and the 2014–15 West Africa Ebola outbreak, effectively bridging scientists and public-health professionals around the world for the welfare of the global community.

If CTR’s designation as a defense program presents insurmountable challenges, the program may take on a partner agency such as the US Department of Health and Human Services, as it has successfully done in the past, or be fully ported to a more suitable agency like the Department of State. Which US agency takes the lead matters little; what is important is that such cooperation exists, it has enabled the US and partner nations like Russia and China to overcome past differences for the common good, and China, having benefitted from the program directly, understands its value. If nothing else, the program offers a starting point.

To this end, I ask the US to take the first step. Engage. Open our doors. Demonstrate our commitment to the fundamental principle that we are all accountable for the gravest threats of both nature and our own making – because only together can these threats be overcome.

#### Turns terror.

Mueller 18, Senior Research Scientist, Mershon Center for International Security Studies, Adjunct Professor, Department of Political Science @ Ohio State. (John, November 2, 2018, “An American Global Order? Or Pax Americana: Has the US Been Necessary?”, Prepared for presentation at the *ISSS-IS Annual Conference*; <https://politicalscience.osu.edu/faculty/jmueller/xisssisaPurdue2018.pdf>, pg. 14-15)

The threats

In conducting this destructive policy, the United States has applied military muscularity primarily to deal with two perceived threats that substantially don’t exist: international terrorism and nuclear proliferation.

Impelling for both was the terrorist attack of September 11, 2001. It seems reasonable to suggest, but unpleasant to point out, that, if the United States had followed a policy of security isolationism, the 9/11 attacks, and therefore the consequent wars in Afghanistan and Iraq, would never have taken place. The accepted narrative holds that the attacks were from people “who hate us for what we are rather than for what we do.” But it is clear the attackers’ central motivation was to affect America’s assertive foreign and military policy in the Middle East—to cease stationing troops in Saudi Arabia, to stop destroying Iraq with economic sanctions under the spell of the anti-proliferation obsession, and to reduce its support for Israel and for corrupt Muslim governments.44

Terrorism. After the 9/11 attacks, the United States massively exaggerated the capacities of the al-Qaeda terrorist group.45 In the process, it decided that, rather than simply going after the rather pathetic group essentially using policing methods as had been typical earlier, it must use military force not only to attack the little group at its base in Afghanistan, but to take down the rather unpleasant regime, the Taliban, which had been hosting the group (albeit with increasing dismay) and had had nothing to do with 9/11. That military adventure, or errand, was seemingly successful at first, but it then devolved into a long war as the Taliban and other groups adopted insurgency. Having created disorder, the United States has now helped to preserve it in the beleaguered and impoverished country for more than a decade even though it is essentially incapable of coming up with a coherent reason for continuing to do so.46

Largely because the resurgent Taliban is based in neighboring Pakistan and because the remnants of al-Qaeda central have also taken up residency there, that country has been inevitably drawn into the fight. Even though Pakistan receives $2-3 billion in American aid each year, large majorities of Pakistanis—74 percent in one tally—have come to view the United States as an enemy.47 As negative achievements go, that foreign policy development is a strong gold medal contender.

Looking more broadly, the United States has conducted a chaotic and destructive worldwide campaign against terrorism. Wherever there are terrorists who might conceivably be said to threaten the United States—and in many cases, the imaginative exercise has been impressive in its creativity—the US military is there, killing people and breaking things. The most important of these ventures had been against Islamic State, an especially vicious insurgent group that emerged in 2014 in Iraq and Syria. After almost ignoring the group at first, the United States later productively joined local forces, determined to put ISIS down after experiencing its mindless and fanatical brutality. The supportive venture is essentially humanitarian, although conducted only after Americans somehow managed to imagine that the group presented a existential threat to the United States itself primarily because the group, in full self-destructive mode, executed a few helpless American prisoners.48

#### Resiliency, intervening actors, burnout

Adalja 16, infectious-disease physician at the University of Pittsburgh (Amesh, 6-17-2016, "Why Hasn't Disease Wiped out the Human Race?," *The Atlantic*, https://www.theatlantic.com/health/archive/2016/06/infectious-diseases-extinction/487514/)

In Michael Crichton’s The Andromeda Strain, the canonical book in the disease-outbreak genre, an alien microbe threatens the human race with extinction, and humanity’s best minds are marshaled to combat the enemy organism. Fortunately, outside of fiction, there’s no reason to expect alien pathogens to wage war on the human race any time soon, and my analysis suggests that any real-life domestic microbe reaching an extinction level of threat probably is just as unlikely.

When humans began to focus their minds on the problems posed by infectious disease, human life ceased being nasty, brutish, and short.

Any apocalyptic pathogen would need to possess a very special combination of two attributes. First, it would have to be so unfamiliar that no existing therapy or vaccine could be applied to it. Second, it would need to have a high and surreptitious transmissibility before symptoms occur. The first is essential because any microbe from a known class of pathogens would, by definition, have family members that could serve as models for containment and countermeasures. The second would allow the hypothetical disease to spread without being detected by even the most astute clinicians.

The three infectious diseases most likely to be considered extinction-level threats in the world today—influenza, HIV, and Ebola—don’t meet these two requirements. Influenza, for instance, despite its well-established ability to kill on a large scale, its contagiousness, and its unrivaled ability to shift and drift away from our vaccines, is still what I would call a “known unknown.” While there are many mysteries about how new flu strains emerge, from at least the time of Hippocrates, humans have been attuned to its risk. And in the modern era, a full-fledged industry of influenza preparedness exists, with effective vaccine strategies and antiviral therapies.

HIV, which has killed 39 million people over several decades, is similarly limited due to several factors. Most importantly, HIV’s dependency on blood and body fluid for transmission (similar to Ebola) requires intimate human-to-human contact, which limits contagion. Highly potent antiviral therapy allows most people to live normally with the disease, and a substantial group of the population has genetic mutations that render them impervious to infection in the first place. Lastly, simple prevention strategies such as needle exchange for injection drug users and barrier contraceptives—when available—can curtail transmission risk.

Ebola, for many of the same reasons as HIV as well as several others, also falls short of the mark. This is especially due to the fact that it spreads almost exclusively through people with easily recognizable symptoms, plus the taming of its once unfathomable 90 percent mortality rate by simple supportive care.

Beyond those three, every other known disease falls short of what seems required to wipe out humans—which is, of course, why we’re still here. And it’s not that diseases are ineffective. On the contrary, diseases’ failure to knock us out is a testament to just how resilient humans are. Part of our evolutionary heritage is our immune system, one of the most complex on the planet, even without the benefit of vaccines or the helping hand of antimicrobial drugs. This system, when viewed at a species level, can adapt to almost any enemy imaginable. Coupled to genetic variations amongst humans—which open up the possibility for a range of advantages, from imperviousness to infection to a tendency for mild symptoms—this adaptability ensures that almost any infectious disease onslaught will leave a large proportion of the population alive to rebuild, in contrast to the fictional Hollywood versions.

While the immune system’s role can never be understated, an even more powerful protector is the faculty of consciousness. Humans are not the most prolific, quickly evolving, or strongest organisms on the planet, but as Aristotle identified, humans are the rational animals—and it is this fundamental distinguishing characteristic that allows humans to form abstractions, think in principles, and plan long-range. These capacities, in turn, allow humans to modify, alter, and improve themselves and their environments. Consciousness equips us, at an individual and a species level, to make nature safe for the species through such technological marvels as antibiotics, antivirals, vaccines, and sanitation. When humans began to focus their minds on the problems posed by infectious disease, human life ceased being nasty, brutish, and short. In many ways, human consciousness became infectious diseases’ worthiest adversary.

#### Burnout and variation check

York 14 (Ian, head of the Influenza Molecular Virology and Vaccines team in the Immunology and Pathogenesis Branch of the Influenza Division at the CDC, PhD in Molecular Virology and Immunology from McMaster University, M.Sc. in Veterinary Microbiology and Immunology from the University of Guelph, former Assistant Prof of Microbiology & Molecular Genetics at Michigan State, “Why Don't Diseases Completely Wipe Out Species?” 6/4/2014, http://www.quora.com/Why-dont-diseases-completely-wipe-out-species)

But mostly diseases don't drive species extinct. There are several reasons for that. For one, the most dangerous diseases are those that spread from one individual to another. If the disease is highly lethal, then the population drops, and it becomes less likely that individuals will contact each other during the infectious phase. Highly contagious diseases tend to burn themselves out that way.¶ Probably the main reason is variation. Within the host and the pathogen population there will be a wide range of variants. Some hosts may be naturally resistant. Some pathogens will be less virulent. And either alone or in combination, you end up with infected individuals who survive.¶ We see this in HIV, for example. There is a small fraction of humans who are naturally resistant or altogether immune to HIV, either because of their CCR5 allele or their MHC Class I type. And there are a handful of people who were infected with defective versions of HIV that didn't progress to disease. ¶ We can see indications of this sort of thing happening in the past, because our genomes contain many instances of pathogen resistance genes that have spread through the whole population. Those all started off as rare mutations that conferred a strong selection advantage to the carriers, meaning that the specific infectious diseases were serious threats to the species.

#### Islands check global spread---also solves bioterror.

Osborne 19, citing Nick Wilson, from the University of Otago. (Hannah, 10-3-2019, "These are the best places on Earth to survive a global pandemic threatening to wipe humans out—according to scientists", *Newsweek*, https://www.newsweek.com/countries-safest-global-pandemic-human-extinction-1462869)

In the event of a global pandemic threatening mankind with extinction, Australia and New Zealand would be the best safe havens where humans could survive and eventually repopulate the planet, scientists have said.

"Discoveries in biotechnology could see a genetically-engineered pandemic threaten the survival of our species," Nick Wilson, from the University of Otago, said in a statement. "Though carriers of disease can easily circumvent land borders, a closed self-sufficient island could harbour an isolated, technologically-adept population that could repopulate the earth following a disaster."

### EU CP

#### EU unilateral action is key to soft power.

Bradford 20, the Henry L. Moses Distinguished Professor of Law and International Organization at the Columbia Law School. (Anu, The Brussels Effect: How the European Union Rules the World, pp. 24 )

Finally, being able to set norms globally allows the EU to prove to its critics that it remains relevant as a global economic power. Embracing the role of a regulatory hegemon reinforces the EU’s identity and enhances the EU’s global standing even in the times of crises where its effectiveness and relevance are constantly being questioned. If the EU wants to exert influence, it must do so with the means available to it. Lacking traditional means of power, the EU’s greatest global influence is accomplished through the norms that it has the competence to promulgate. In the absence of military power or unconstrained economic power, the EU can exercise genuine unilateral power most effectively by fixing the standards of behavior for the rest of the world.80 In the world where the United States projects hard power through its military and engagement engagement in trade wars, and China economic power through its loans and investments, the EU exerts power through the most potent tool for global influence it has—regulation.

#### Being the first mover on standard setting is key.

Miccoli 22, Press Officer for internal market and industry at Spokesperson's Service, European Commission. (Frederica, New approach to enable global leadership of EU standards promoting values and a resilient, green and digital Single Market, <https://ec.europa.eu/commission/presscorner/detail/en/ip_22_661>)

The fast pace of innovation, our green and digital ambitions and the implications of technological standards for our EU democratic values require an increasingly strategic approach to standardisation. The EU's ambitions towards a climate neutral, resilient and circular economy cannot be delivered without European standards. Having a strong global footprint in standardisation activities and leading the work in key international fora and institutions will be essential for the EU to remain a global standard-setter. By setting global standards, the EU exports its values while providing EU companies with an important first-mover advantage.

#### EU independence from the US is key to solve our net benefit.

Dworkin, 18 -- ECFR senior policy fellow

[Anthony Dworkin, visiting lecturer in the Paris School of International Affairs, and Mark Leonard, co-founder and director of ECFR, "Can Europe save the world order?," European Council on Foreign Relations, 5-24-2018, https://ecfr.eu/publication/can\_europe\_save\_the\_world\_order/, accessed 2-24-2022]

To implement this agenda, the EU will need to overhaul its ways of working. Internally, it will need to find a method for operating with the flexibility and speed required for greater diplomatic engagement, while keeping the collective weight of the EU behind its initiatives. Coordinating EU efforts with the United Kingdom after Brexit will also be important. Externally, the EU will need to make an especially large investment in its relations with like-minded powers. Conversely, it will need to develop a more independent posture towards the US. The EU should continue to cooperate with the US wherever possible, but it should put its commitment to the rules-based order above its traditional instinct to follow the American lead.

Some Europeans will worry that an independent and sometimes defiant attitude to the US will jeopardise the security relationship on which the EU continues to depend. But Trump has shown clearly that he does not reward concessions. Under his leadership, the United States’ security policy reflects its calculation of its own interests rather than any concern for repaying allies’ loyalty. The EU can best manage its relationship with the US and its support for a rules-based international system if it develops and acts on a sense of itself as an independent strategic actor. Europe needs to set its own course to secure the world order it wants.

#### CP solves for mergers—What the U.S. says is irrelevant—If the EU bans a merger it is banned globally!

Bradford 20, the Henry L. Moses Distinguished Professor of Law and International Organization at the Columbia Law School. (Anu, The Brussels Effect: How the European Union Rules the World, pp. 109-10)

In terms of merger control, there are several examples where the de facto Brussels Effect has taken place. However, there are also many instances where it has not. As discussed in chapter 2, global mergers cannot be consummated on a jurisdiction-by-jurisdiction basis. In this sense, mergers are legally non-divisible. In practice this entails that the most stringent merger-review jurisdiction gets to determine the worldwide fate of the transaction.67 The proposed GE/Honeywell merger, discussed earlier in this chapter, is arguably the most famous example of the Brussels Effect affecting large cross-border mergers.68 When the Commission blocked the merger, it was irrelevant that the US antitrust authorities had previously cleared the transaction: the acquisition was banned worldwide because the merger was legally non-divisible—as a matter of law, it was impossible to let the merger proceed in one market and prohibit it in another. Although the GE/Honeywell deal is the most prominent, there are several other examples of the Brussels Effect globalizing EU merger control decisions. In 1991, the EU blocked the acquisition of the Canadian company De Havilland by the French-Italian company Avions de Transport Régional, which had been approved by the Canadian authorities.69 Soon thereafter, in 1996, the EU prohibited a merger between the South African company Gencor and the UK-based Lonrho,70 even though the most significant effect on competition was felt in South Africa. More recently in 2013, the Commission blocked the attempted acquisition of the Dutch logistics company TNT Express by its US-based rival UPS.71 While its primary market was Europe, TNT Express was active in over 60 countries. The EU decision had an impact on all those markets due to the Brussels Effect. This case is also particularly interesting for how it has evolved—because UPS had the merger decision overturned by the EU’s General Court in 2017, it is now seeking $2.14 billion in damages from the EU based on that ruling. Yet regardless of the UPS’s court victory, the UPS/TNT Express merger cannot be revived. Another US company, FedEx, acquired TNT Express in 2015 after receiving the Commission’s approval.72 This example, where one rejected acquisition is quickly replaced by a different one, shows how mergers typically cannot be reinvigorated after the Commission’s prohibition. This makes the Commission the final arbiter of these global deals—and the Brussels Effect immune to a court reversal.

#### The U.S. cannot undermine EU solvency—the EU can solve in the U.S.

Bradford 20, the Henry L. Moses Distinguished Professor of Law and International Organization at the Columbia Law School. (Anu, The Brussels Effect: How the European Union Rules the World, pp.xvi )

This book’s thesis is also particularly relevant today given the growing concerns over the future of international cooperation and global institutions. It offers a new perspective that differs in subtle and gross ways from the prevalent view that globalization is in retreat. While international cooperation may be in crisis, the Brussels Effect shows how we can continue to generate international rules to govern global markets even in the absence of multilateral cooperation. For example, while President Trump can withdraw the United States from international treaties and institutions, there is little that the current US administration can do to roll back EU regulations and curtail the EU’s ability to export those rules through the Brussels Effect—to the United States or elsewhere. Similarly, this book will argue that Brexit will not liberate the United Kingdom from the EU’s regulatory leash. Roughly half of UK exports are destined for the EU, with little expectation of change. The United Kingdom will therefore continue to need access to the EU’s large consumer market long after Brexit. While UK companies could, in principle, adopt one set of standards for Europe and multiple other sets of standards for the rest of the world post-Brexit, the Brussels Effect makes this unlikely. This shatters the illusion of the regulatory freedom that Brexit is meant to deliver to the United Kingdom. The Brussels Effect therefore mitigates the declining globalization and keeps the United Kingdom tightly connected to the EU market long after leaving the EU.

#### EU competition law will be followed in the U.S.

Bradford 20, the Henry L. Moses Distinguished Professor of Law and International Organization at the Columbia Law School. (Anu, The Brussels Effect: How the European Union Rules the World, pp. 5 )

Finally, the literature on regulatory competition—including the California Effect—focuses on a dynamic where a lax foreign regulator formally adopts the stringent rule of the lead regulator.12 This attention to “de jure regulatory convergence” fails to account for regulatory convergence that takes place in the absence of formal changes to legal rules. In reality, this type of formal “trading up” often fails to occur. Instead, we typically see only a “de facto regulatory convergence” whereby much of global business is conducted under unilateral EU rules even when other states continue to maintain their own rules. This is true, for instance, with respect to US competition laws, privacy laws, and rules on food safety. Unilateral regulatory globalization does not need to elicit a formal regulatory response from another nation. The EU law governs whether other countries follow suit or not. Seen in this light, the Brussels Effect is more about one jurisdiction’s ability to override others than it is about triggering an upward regulatory race.

#### The EU empirically enforces against U.S. firms changing their practices in Europe and in the U.S.

Bradford 20, the Henry L. Moses Distinguished Professor of Law and International Organization at the Columbia Law School. (Anu, The Brussels Effect: How the European Union Rules the World, pp. 99)

Competition law offers one of the most prominent examples of the EU’s global regulatory hegemony. In 2018, the European Commission fined Google $5 billion in a competition law case involving the company’s operating system, Android.1 This fine came on the heels of a $2.3 billion fine in 2017, which the Commission imposed after concluding that the company manipulated its search results to favor its own comparison-shopping service to the detriment of its rivals.2 The Commission’s third case against Google, focusing on the company’s AdSense online advertising program, resulted in a $1.7 billion fine in 2019.3 The EU’s other enforcement targets over the last several years include two other US-based tech giants: Qualcomm4 and Apple.5 These prominent cases against US companies are not a new phenomenon. They build on a series of high-profile decisions against leading US corporations—including Intel,6 Microsoft,7 and General Electric8—over the past two decades. In all these instances, the companies’ practices were also investigated by US agencies. However, in contrast with the EU, US regulators either responded with more modest penalties or chose not to levy any punishment at all. However, no matter what the US response, the United States has been powerless in constraining the EU’s decisions, and the remedies imposed by the EU have led to notable changes in the companies’ practices in the EU and at times also abroad, including in the United States.

#### The EU solves for U.S. companies and solves globally

Fichtner 21, editor-in-chief of Der Spiegel magazine. (Ullrich, How Europe Became a Model for the 21st Century, <https://www.spiegel.de/international/europe/from-brussels-to-the-rest-of-the-world-how-europe-became-a-model-for-the-21st-century-a-1fa5e710-7e18-4ad5-a0be-e26118f3a22f>

Every day, miraculous things are happening around the globe of which most Europeans take no notice. Technology companies in California build their devices according to EU regulations. Cocoa producers in Ghana and Ecuador are transforming their operations to meet European standards. In Argentina, Israel and Russia, plaintiffs are suing internet companies and invoking the "right to be forgotten” that was formulated in the EU. Regional blocs of countries in South America are organizing themselves along the lines of the EU. Laws drafted in Europe are adopted almost verbatim into national law in countries around the world. Fast food chains like McDonald’s, Subway and Wendy’s are taking chemical additives out of their products because the EU doesn’t allow them. The Brazilian company Citrosuco, the world’s largest producer of orange juice, strictly adheres to European regulations, even in countries where they do not apply. Adidas, Nike, and Zara are changing the composition of the plastic in sneakers around the world to make less toxic, EU-compliant goods. It’s a tremendous list, and it is very long. When Microsoft, Google, Apple, Intel or other big companies sue each other for competition offenses, they don't just take their case to San Francisco or New York – they call on the European Commission to arbitrate and then fight it out in Europe's high courts. Mergers of large American corporations are approved or prohibited by European authorities. Europe's view of data protection, as laid out in the General Data Protection Regulation (GDPR), has quickly become a global standard that no company and no country can ignore. Google alone claims it was forced to spend "hundreds of years of human time” to comply with the Brussels regulations, but it did so nonetheless. America’s 500 largest companies are continually spending billions of dollars to implement EU rules, and the situation is no different for the largest Asian, African and South American companies. The smartest among them are already working to reduce their carbon emissions, with an eye on the "carbon tax,” that the EU has been working on for years. These examples lead to the equally unbelievable and correct conclusion that globalization today is actually a "Europeanization" – and this was not written in EU advertising brochures, but in Britain’s Economist, the must-read newspaper of laissez-faire capitalists.

#### EU solves better in the U.S.—Turns the case

Grimes 21, Professor of Law, Southwestern Law School. (Warren, ANTITRUST CONFRONTS BIG DATA: U.S. AND EUROPEAN PERSPECTIVES, https://www.swlaw.edu/sites/default/files/2021-10/171%20GRIMES.pdf)

Europe seems well ahead of the United States in addressing both privacy and traditional competition issues linked to dominant data technology firms based in the United States. In part, this may be a reflection of European social attitudes toward privacy. There is, however, another possible reason: the “national champion” reluctance to curtail abusive behavior by firms headquartered in the jurisdiction of a government antitrust enforcer. Antitrust enforcers stress that they are guided by the rule of law, not by the nationality of a particular firm that might be engaging in anticompetitive conduct. Despite these denials, there are reasons to suspect that, particularly in close cases involving subjective analysis, enforcers or courts may bend their views to favor a firm headquartered in their home jurisdiction. Months after the U.S. Justice Department won a signature antitrust decision in the Court of Appeals affirming most parts of a 2001 lower court decision against Microsoft,101 the Department settled the case on terms that many critics found too lenient.102 In its 2004 decision challenging Microsoft’s abuse of dominance, the European Commission imposed different and arguably stronger sanctions on Microsoft.103 The U.S. Justice Department issued a press release critical of the Commission’s decision.104 This and other examples of different views between U.S. and EU competition authorities105 are consistent with the greater reluctance of an antitrust authority to vigorously prosecute one of its own firms. To be sure, some of the differences reflect the greater influence in the United States of Chicago School thinking that favored a monopolist’s freedom of action. In some cases, however, the varying views reflect not differences about what constitutes a violation, but rather differences in how quickly an antitrust case is brought, how vigorously it is prosecuted, or how stringent the remedies should be. In the case of big data prosecutions, the conduct that is being challenged is largely the same on both sides of the Atlantic. The EU, however, has been quicker to challenge this conduct and design remedies suitable for EU businesses and consumers. That antitrust challenges against dominant multinational firms can occur in multiple jurisdictions is a positive development. Dominant firms often enjoy a strong home-country lobbying presence that can ward off needed antitrust enforcement. In the case of big data, the European interventions came earlier and may have emboldened U.S. prosecutors in their subsequent initiatives. In the long term, harmonization of worldwide competition law standards is an important goal. With or without harmonization, however, prosecutions are, and should be, open to any country in which a multinational firm operates.

#### U.S. policy is irrelevant—The EU targets the same companies

Monti 3/1/22, CERRE Research Fellow and Professor of Competition Law at Tilburg Law School, (Georgio, Taming Digital Monopolies: A Comparative Account of the Evolution of Antitrust and Regulation in the European Union and the United States, Antitrust Bulletin March 1, 2022, Lexis/Nexis)

Having said that, the key point for comparison is that the U.S. designation is much more automatic than the European Union’s where the parties might contest the presumption.138 Conversely, the Commission is also able to apply the DMA to firms below these numerical thresholds. This means that the Commission can designate a platform as gatekeeper by looking at some elements, including the entry barriers derived from network effects and data-driven advantages, users lock-in effects, or other structural characteristics of the market.139 Politically, this approach might be surprising since the platforms that will be targeted by the DMA are well-known. However, there are other reasons that may justify this choice. From a legal perspective, the EU legislator is constrained by the principles of proportionality and non-discrimination. This implies that the proposal must be designed in more functional terms to include within the scope of the DMA those entities that are more relevant for the functioning of market. From the perspective of future-proofing of the regulation, including a flexibility clause for the purposes of designating gatekeepers gives more room for the Commission to adjust the application and scope of the DMA. In this sense, the quasi-automatic designation of covered platforms in the U.S. proposals may make the regulation in the United States more rigid than in the European Union. Another important comparator is that the DMA proposal in the European Union seems to require a two-sided market: the gateway must have both a given number of business users and consumers. The U.S. proposal only requires to meet the threshold regarding only one side of the market when designating covered platforms. In theory, it seems that the different choices in the European Union and the United States could lead to a scenario where a platform is covered by the regulation in one jurisdiction but not in the other. In practice, however, this may well prove to be less significant than it seems since the target firms are the same in both jurisdictions.

#### Only the EU can create global solvency

Bradford 20, the Henry L. Moses Distinguished Professor of Law and International Organization at the Columbia Law School. (Anu, The Brussels Effect: How the European Union Rules the World, pp. 25-26)

Only large economies can become sources of global standards. However, market size alone does not vest a jurisdiction with global regulatory power—or else the “Washington Effect” or the “Beijing Effect” would likely exist alongside the Brussels Effect. Instead, unilateral regulatory power requires distinct political choices made by a large economy. The EU has become a global regulator not only because of the size of its internal market, but also because it has built an institutional architecture that has converted its market size into a tangible regulatory influence. The key stakeholders in the EU have further embraced stringent regulation as a key toward a better society, giving the critical political backing for an ambitious regulatory agenda. However, the EU does not exert global regulatory power over any policy area it desires—market forces successfully globalize some EU regulations but not others, setting limits on the Brussels Effect. This chapter lays the theoretical foundation for the Brussels Effect. It identifies the conditions for, and the mechanism through which, the externalization of one jurisdiction’s standards unfolds. A careful examination of unilateral regulatory authority suggests that there are five elements underlying the Brussels Effect—market size, regulatory capacity, stringent standards, inelastic targets, and non-divisibility. Existing literature focuses on market size as a proxy for the jurisdiction’s ability to exercise regulatory authority over foreign entities.1 Large market size is, indeed, a precondition for unilateral regulatory globalization. Yet the jurisdiction must also possess sufficient regulatory capacity to exercise global regulatory authority. This entails having in place institutional structures that are capable of adopting and enforcing regulations effectively. In addition, these regulatory institutions must promulgate stringent regulatory standards, reflecting the preferences of key stakeholders in the jurisdiction. A global regulatory authority is also tied to a choice of regulating inelastic targets such as consumer markets as opposed to more elastic targets such as capital. Only stringent standards aimed at targets that cannot flee the jurisdiction ensure that a country’s regulations will not be constrained by market forces or other jurisdictions’ regulatory responses. Finally, unilateral standards become global standards only when the benefits of adhering to a single global standard are greater than the benefits of taking advantage of laxer standards in lenient jurisdictions—in other words, when a target’s conduct or production is non-divisible across global markets. All of these five elements are needed for the Brussels Effect to occur. Some of these conditions, such as market size, are rooted in jurisdictions’ historical endowments and less dependent on decisions made by either political institutions or market participants. Regulatory capacity and the willingness to promulgate stringent rules typically reflect the political economy in the regulating jurisdictions and are therefore a function of the affirmative choices made by political institutions. Further, inelasticity of regulatory targets or non-divisibility of regulations are conditions embedded in the nature of the global economy. They are driven by the business considerations of private companies, leaving them largely outside the influence of regulators themselves. This suggests that the Brussels Effect emanates as a result of a combination of bestowed market size, political decision-making, and market forces that drive corporate behavior. These five elements underlying the Brussels Effect are generic conditions for unilateral regulatory power, capable of explaining any jurisdiction’s ability (or inability) to regulate global markets alone. Yet this chapter shows how the EU is currently the predominant regulatory regime where these conditions exist, explaining why the EU—and not, for example, the United States—wields unilateral influence across a number of policy areas.

#### EU solves globally

Fichtner 21, editor-in-chief of Der Spiegel magazine. (Ullrich, How Europe Became a Model for the 21st Century, <https://www.spiegel.de/international/europe/from-brussels-to-the-rest-of-the-world-how-europe-became-a-model-for-the-21st-century-a-1fa5e710-7e18-4ad5-a0be-e26118f3a22f>

A global player like today's Europe has never existed in this form in the history of the world. By regulating the affairs of its internal market step by step, the EU is formulating globally effective standards along the way. Whether it's chemicals, hazardous waste, hormone-treated meat, electronic waste, emissions standards, animal testing, antitrust, privacy, crop protection, competition or air pollution control – the EU is always somehow already there. It sets standards and criteria worldwide based on scientific findings and equipped with recognized scientific, legal and also moral competence – even in areas where, by law, it would actually have no say. It’s not a stretch to say that the European Union makes the world a little bit better every day, a little bit cleaner, a little bit healthier, safer and more sustainable. "EU laws determine how timber is harvested in Indonesia, how honey is produced in Brazil, what pesticides cocoa farmers use in Cameroon, what equipment is installed in dairy factories in China,” writes Anu Bradford, a law professor from Finland at New York’s Columbia University. She and her staff did a great deal of work bringing together many of the facts and figures cited in this essay. The book she wrote following that research, "The Brussels Effect,” published in early 2020, is subtitled: "How the European Union Rules the World.” When asked by DER SPIEGEL if that thesis was perhaps a tad overwrought, she replied: "I don't think so! It's just that, contrary to traditional ideas, Europe is a quiet world power, and this is precisely the basis of its success." Her book paints a picture of an EU that sometimes has a direct and, at times, indirect effect around the globe. It’s an effect based on the simple fact that Europe - as an economic power, as a market and as a trading trading partner - is so important that non-European countries and companies do not want to be cut off from it under any circumstances. In addition, contrary to widespread perception, companies are actually very much interested in regulated markets, especially those operating internationally. Clear criteria for everyone provides planning security and fair competition – and because the EU usually sets the strictest rules, many companies adopt them for the sake of simplicity.

#### The EU solves globally better than the U.S.

Bradford 20, the Henry L. Moses Distinguished Professor of Law and International Organization at the Columbia Law School. (Anu, The Brussels Effect: How the European Union Rules the World, pp. xv )

By providing both a theoretical and empirical account of the EU’s unilateral regulatory power, this book provides a corrective to the current discourse that portrays the EU as a weak and declining power. The goal of this book is not to deny the various criticisms of the EU’s weaknesses or argue that such criticism lacks merit. The goal is to show that the full story is much more balanced, and that in some very fundamental ways, the EU remains a powerful actor in the global economy. In addition, this book also challenges the prevailing narrative that views the EU as a champion of multilateral cooperation and universal norms,8 painting a stark contrast with the United States’ unilateralism in international affairs. The Brussels Effect shows that the EU’s commitment to multilateralism and universalism must be qualified. Like any great power, the EU is willing to shape the international order to ensure that international norms reflect its regulatory preferences—often multilaterally but at times even more effectively unilaterally.9 The United States is also typically associated with the pro-market views while the EU is seen as distrusting the markets and relying on government institutions instead. However, through the Brussels Effect, it is the EU, and not the United States, which best deploys the market forces to unleash its unilateral global regulatory power. Consequently, this book demonstrates that the EU’s greatest global influence may not be through multilateral mechanisms and political institutions, but instead through unilateral actions, facilitated by markets and private corporations.

#### EU competition law empirically deters and use of prohibitions will deter

Duso et al 16, Prof. of economics, TU Berlin & Head of the department Firms and Markets. (Tomaso, with Joseph Clougherty Associate Professor of Business Administration, University of Illinois, and Jo Seldeslachts Professor of Industrial Organization, KU Leuven and Senior Research Fellow, DIW Berlin, Deterrence in EU merger policy, https://voxeu.org/article/deterrence-eu-merger-policy)

The principal aim of our project is to investigate the deterrence effects involved with the Commission’s merger policy over the past two decades.2 For that purpose, we gathered information regarding all mergers notified to the European Commission from 1990 until 2009 – over 4,200 mergers – and regarding the type and frequency of the various merger-policy actions taken by the EC: i.e. clearances, remedies, prohibitions, and withdrawals. We are able to distinguish whether these merger-policy actions took place in initial or secondary phases of the Commission’s merger-review process. The ability to differentiate between different types of merger-policy actions and the different timings is helpful, as these differences may involve different costs for firms and, therefore, generate distinct deterrence effects (Seldeslachts et al. 2009). The consistent finding from our empirical results is that phase one remedies uniquely involve deterrence in the European context, while other actions do not. A potential explanation exists as to why phase one remedies yield deterrence effects. The European Commission has higher bargaining power in the initial stage of the merger-review process since merging firms are generally eager to avoid the costs involved with waiting for the consummation of the merger.3 Given that merging firms have a large interest in getting their transaction approved as quickly as possible, they are likely to agree to more substantial remedies in the early stages of the review process (Dertwinkel-Kalt and Wey 2016). Following this logic, the remedies agreed to during the initial stage should be remedies that involve a considerable cost to merging parties. Thus, an increase in these types of remedies will represent a deterrent to future merger behaviour. Phase two remedies, however, do not indicate deterrence effects. This result could be based on a similar logic as above. Once a merger has reached the secondary phase of the merger-review process, then much less scope exists for the Commission to delay the onset of the merger. Instead, the only recourse at this stage given to the EC is the ability to threaten a potential prohibition. However, the EC rarely employs prohibitions as an instrument of merger policy and they have become increasingly rare in the EC context after several setbacks in the courts in the early 2000s. In fact, for quite some time the Commission has been quite reluctant to employ prohibitions as a merger policy tool.4 This suggests then that the bargaining power of the Commission will be severely curtailed in the secondary phase. In essence, the only ‘real’ option for the EC in these later stages of the merger-review process is to accept the less-substantial remedies being offered up by merging parties before the negotiation phase ends. Consequently, the remedies offered up by merging parties in the secondary phase will be generally less substantial than those offered up in the initial phase. Thus, these phase two remedies will be less likely to represent a deterrent.5 In addition to phase two remedies, withdrawals and prohibitions also do not involve substantial deterrence effects. This seems somewhat surprising, as they impose the highest possible cost on merging firms.6 However, the fact that these actions have been seldom employed by the Commission over the last 20 years potentially explains why our analysis is unable to detect significant deterrence. Furthermore, the lack of substantial deterrence effects for phase one withdrawals may be due to the fact that these withdrawals do not send a clear signal about the EC’s stance in the particular industry. Withdrawals in the initial stage of the merger-review process may be due to internal reasons to the merging parties—rationales that are independent of EC merger policy. Accordingly, phase one withdrawals might very well be a noisy signal that does not provide clear information to firms about the actual costs involved with navigating the merger-review process. Policy implications In terms of policy prescriptions, our results indicate that maximising deterrence requires the use of phase one remedies. The Commission’s behaviour does tend to partially conform to these priors, as phase one remedies are employed more than twice as frequently as phase two remedies. Furthermore, the application of more prohibitions may lead to greater deterrence effects for phase two remedies. Indeed, if firms believe that prohibitions are a relatively likely outcome when negotiations break down during the secondary phase, then perhaps these firms would be more willing to accept tougher remedies during these later stages of negotiation. In addition to this indirect effect regarding phase two remedies, an increase in prohibitions would also, of course, impose the highest possible cost upon merging firms. Thus, it would likely induce more deterrence in a direct manner. Accordingly, the recent turn in EC merger policy to re-embrace the employment of prohibitions (Aegean Airlines/Olympic Air in 2011, Deutsche Börse/NYSE Euronext in 2012, TNT express/UPS in 2013, and Ryanair/Air Lingus in 2013) might represent a healthy practice in terms of generating increased deterrence effects.

#### Prohibitions by the EU solve independent of enforcement

Broulik 19, Fellow, Jean Monnet Center for International and Regional Economic Law & Justice, New York University School of Law, (Jan, Preventing Anticompetitive Conduct Directly and Indirectly: Accuracy Versus Predictability, The Antitrust Bulletin 2019, Vol. 64(1) 115-127, Sage KU library)

Alternatively, the law may discourage businesses from behaving anticompetitively by announcing that a certain category of business conduct is unlawful and, thus, sanctionable. The prospect of being sanctioned disincentivizes businesses from engaging in the designated conduct. For example, when contemplating whether to pay downstream firms to delay introduction of a competing product, a dominant business will account for any eventual threat of sanction. What drives this indirect mechanism—also known as (general) deterrence15—is thus not enforcement in a particular case16 but rather the general credible threat of enforcement pro futuro.17 B. Prevalence of the Indirect Mechanism It is widely acknowledged that antitrust prevents significantly more competitive harm indirectly than directly.18 As an illustration, consider this observation made by Nicolas Forwood, then judge of the EU General Court: As with the most effective laws, competition law produces its effects principally through the many businesses who adapt their commercial behaviour so as to remain within the limits of what they perceive to be required by the law, rather than through the few whose conduct is subjected to individual examination by regulator or court, and found to transgress the limits of legitimate commercial behaviour.19 The justification usually given for this prevalence of the indirect mechanism is then its relatively lower cost.20 Although quantification of the roles played by the two mechanisms is a difficult task,21 it is possible to mention two empirical inquiries which confirm that the indirect mechanism outperforms the direct one significantly.22 First, a UK study surveyed businesses and their legal advisers about the number of infringements deterred by antitrust per each detected case.23 The reported ratio was at least five to one for cartels, seven to one for other types of business agreements, and ten to one for abuses of dominance. Second, a statistical simulation of cartel enforcement concludes that harm prevented by the indirect mechanism is overwhelmingly greater than harm detected by enforcers.24

#### EU business rules are followed globally—companies voluntarily comply to access the EU market

Nielsen & Chistophersen 19, Senior Director and Senior Advisor for TENECO, (Jacob & Poul, Europe in the World: From Soft Power to Rule-Maker, <https://www.teneo.com/europe-in-the-world-from-soft-power-to-rule-maker/>)

Today, the void left by a weak World Trade Organization (WTO) is being filled by Europe. Where the WTO fails to deliver, the EU embarks on bilateral or plurilateral trade agreements. Over recent years, it has concluded agreements with Japan, Korea, Singapore, Vietnam, Canada, MERCOSUR (Brazil, Argentina, Paraguay and Uruguay) and is in the process of modernizing its agreements. Where the U.S. steps back from promoting free trade in relation to the North Atlantic Free Trade Agreement and the aborted plan for the Pacific Partnership Agreement, the EU steps in. EU norms and standards are becoming trans-European, as they apply not only to EU’s member states, but also extend to Norway, Iceland, Lichtenstein and Switzerland. The same is the case for countries East of the EU’s border, where the internal market standards are gradually being introduced in the Ukraine,Moldova and Georgia through the ambitious Association Agreements. The Balkan countries are also included. This makes the European Internal Market by far the largest in the world – population wise twice as big as the U.S. ‘Third countries’ that want to export to this area have to conform to EU norms. EU’s modern trade agreements with third countries are increasingly being used to promote European norms and standards, not just for exports to the EU, but also internally in the contracting countries, including in areas like environment and climate. Global industry shows an interest in conforming to EU standards, even where they are not forced to do so by law, or international treaties. European standards tend to be higher than in most other countries. By conforming to the ambitious EU standards, producers around the world avoid double production lines. If they are EU-conformed they automatically fulfil the less demanding requirements of others. This is particularly the case for industries that are a smaller part of the wider global supply chains. Moreover, the EU’s trade policy increasingly incorporates recognition of regulatory standards, which effectively exports these norms to the rest of the world. Successful examples of such exports include the General Data Protection Regulation (GDPR), the Markets in Financial Instruments Directive (MiFID) and the Regulation on Registration, Evaluation, Authorisation and Restriction of Chemicals (REACH).

#### EU enforcement is effective

Auriol et al 16, Professor of Economics at the Toulouse School of Economics, (Emmanuelle, with Erling Hjelmeng is Professor of Law at the Faculty of Law, University of Oslo (e.j.hjelmeng@jus.uio.no); Tina Søreide is Professor of Law and Economics at the Norwegian School of Economics, “Deterring corruption and cartels: in search of a coherent approach”, <https://www.tse-fr.eu/sites/default/files/TSE/documents/doc/wp/2016/wp_tse_728.pdf>)

Over the past decade, European competition law has undergone a rapid development in particular in two fields: mechanisms for the detection of covert infringements (leniency in cartel cases) and the use of negotiated settlements (cartel settlements and commitment decisions). Taken together, these developments have considerably changed the landscape of competition law enforcement in Europe. In considering competition law as such, we may truly call this development a success. Most cartel cases are detected because of leniency applications, and the high level of fines continues to increase the upside of applying for leniency.4 Moreover, the cartel settlements procedure is currently applied in a majority of cartel cases, providing for more expedient prosecution.5 The commitment procedure under Article 9 of Regulation No 1 is also regularly applied in cases where the promotion of competition is at issue.6 This has facilitated tailor-made remedies that effectively remedy competitive concerns and even promote increased future competition in the markets. The combination of an increased level of detection and more efficient remedies has clearly added to the success of European competition-law enforcement, evidencing the importance of incentive-based, ad hoc mechanisms framed in a coherent and consistent way according to the enforcement needs in a particular field of the law.7

#### Treble damages don’t solve because settlements are too small- only empirical study

Connor, 15 -- Purdue University American Antitrust Institute fellow [John M. Connor, Purdie professor emeritus; and Robert H. Lande, Venable Professor of Law, University of Baltimore School of Law; and a Director of the American Antitrust Institute, "Not Treble Damages: Cartel Recoveries Are Mostly Less Than Single Damages," Iowa Law Review, 100 Iowa L. Rev., 2015, https://ilr.law.uiowa.edu/print/volume-100-issue-5/not-treble-damages-cartel-recoveries-are-mostly-less-than-single-damages/, accessed 10-16-2021]

**Not Treble Damages**: Cartel Recoveries Are Mostly **Less Than Single Damages**

**In theory**, victims of antitrust violations receive treble damages. **In practice**, however, **almost every** successful antitrust damages action settles. Because final verdicts in antitrust cases are exceptional, it may be more accurate to describe the antitrust damages level not as “treble” damages, but as the average or median percentage of damages successful antitrust cases actually settle for.

Until now the actual average or median size of antitrust settlements has only been a matter of speculation. To bring **empirical analysis** to this issue, we assembled a sample of 71 cartels for which we could find the necessary information. We believe that the sample includes **every** completed private U.S. cartel case since 1990. For each cartel a neutral scholar calculated the firms’ United States overcharges. We compared these results to the damages secured in the private cases filed in the United States against these cartels. We find that the victims of only 14 of the 71 cartels (20%) recovered their initial damages (or more) in settlement; of these, only seven (10%) received at least double damages. The rest—the victims in 57 cases—received less than their initial damages. Four received less than 1% of their damages and 12 received less than 10%. Overall, the median average settlement was 37% of single damages. Because the distribution of settlement percentages is so skewed, the weighted mean (a figure that weights settlements according to their sales) is much lower (19%) than the unweighted mean settlement of 66% (which gives equal weights to the cartels that operated in large markets and those that operated in small markets), because plaintiffs tend to be rewarded relatively poorly in the biggest cases.

Our analysis of the “Recovery Ratios” (i.e., size of antitrust settlements relative to damages) will proceed in the following parts. Part II briefly explains why almost every antitrust case settles. Part III analyzes whether these settlements are likely to be at the “right” levels. Part IV analyzes our sample of cartel settlements and the size of the damages recovered by plaintiffs in these cases. Part V shows that both the deterrence and the compensation goals of antitrust **necessitate damages** that **significantly exceed** the **violations**’ actual damages. Finally, in Part VI, we present some conclusions and implications of our work. Throughout this Essay we will use cartels as an example, although we also will discuss how these results might apply to different types of antitrust violations.

II. Almost Every Successful Antitrust Damages Action Settles

Almost every successful antitrust damage action settles. We expect this to happen. We expect that most parties would settle for a sum that might be expressed as the discounted present value of the expected probabilities that various recovery amounts would constitute the final verdict if the case went to trial and survived appeal. Of course, this would be true only if a number of conditions held, including rationality on the parts of both plaintiffs and defendants, adequate and symmetric information, risk neutrality, an equal view of the strength of the plaintiffs’ case, and no compelling short-term need on the part of either party. If these assumptions hold, and if the parties share an assessment of the likely underlying parameters, then—in light of the extreme cost, risk, and time involved in litigation—both parties have a strong incentive to settle.

We know of no reliable data on the percentage of antitrust cases that settle or that go to final verdict, either for cartels or for other types of antitrust cases. We do know, however, that final verdicts in cartel cases are extremely rare. In an earlier study, we searched antitrust cases since 1890 for final verdicts in cartel damages actions that calculated an overcharge amount and were not overturned on appeal. We found only 25. Our search surely missed cases, and final verdicts in other areas of antitrust might well be more common. But we safely can say that final verdicts in damages cases are unusual.

Although we do not know what proportion of private cartel cases go to final verdict, we do know that virtually every filed U.S. criminal cartel case is followed by or accompanied by at least one private damages action. Thus, although we do not know the percentage of filed damages actions litigated to a final verdict, an upper bound on this figure can be calculated very approximately by dividing the number of final victories we found—25—by the number of criminal cartel cases filed during the same time period: 2569. This crude approximation indicates that at most perhaps only 1% of filed cartel damages cases have been litigated to a verdict that stands up on appeal. Because many private damages actions are filed even though no related criminal case is filed, and because often more than one damages case is filed against a cartel, this percentage is a high estimate. Nevertheless, this indicates that, as a very rough approximation, perhaps **99%** of filed damages actions were dismissed or settled.

By contrast, a lower bound on the percentage of cartel damages actions that settle can be computed by dividing the total number of final cartel verdicts by the total number of antitrust cases filed during the same (1890 to 2004) time period: approximately 40,000. This second rough estimate suggests that, if every private case had been a damages action against a cartel, only perhaps .06% of the private cases would result in a final verdict. Interestingly, if cartel cases historically have constituted 16% of all private cases filed, our two approximations would be roughly equivalent. Regardless of the actual percentage, however, it is safe to conclude that final verdicts are a tiny percentage of the total damages actions filed against cartels. The overwhelming majority of damages actions settle or are dismissed.

Even if most of the meritorious damages cases settle, we naturally would not expect many to settle for **even close to treble** damages. The next Part explores whether antitrust settlements are likely to be greater or less than the “right” amount, if they were based only on the merits and plaintiffs’ probability of being awarded various sums.

III. Are Settlements Likely to Be at the “Right” Level?

There is a long-held belief in the antitrust community—one that never was supported with systematic evidence—that “good” antitrust cases settled for single damages. More recently there have been assertions that “[p]ayments well below single damages are now the norm.” Surely victims sometimes recover less than they “should” based only on the merits and the other conditions noted earlier. Surely on other occasions the victims receive more. It seems extraordinarily unlikely that every case would settle for just the “right” amount.

Assuming we knew how much particular cases “should” settle for, should we expect actual settlements to be generally too high, too low, or at the right level? It is important to keep in mind not only the parties’ incentives but also the attorneys’ and judges’ incentives. This applies with particular force to the plaintiffs’ attorneys in class actions, who exercise a great deal of control over litigation and settlement.

Some “characterize class actions in general, and antitrust class actions in particular, as ‘extortionate settlements.’” Some “speculate that[, especially] in class actions[,] the potential for great liability based on the outcome of a single trial can cause even innocent defendants to settle meritless claims [for large sums] rather than risk a catastrophic—and errant—adverse decision.”

Conversely, other “commentators claim that plaintiffs’ class action lawyers have incentive to ‘sell out’ the classes they represent.They note that [plaintiffs’] lawyers generally do best on an hourly basis [if they settle] quickly, even [if they do so] at a steep discount from the expected value of a case.” They also surmise that lawyers shortchange the class by seeking hard cash for legal fees and “a less valuable form of compensation for the class, such as coupons.”

Note the strong tension between these views. The first perspective suggests that plaintiffs are likely to recover too much from defendants, and the second suggests that plaintiffs are likely to recover too little from defendants, especially in class actions. It is difficult to imagine both views generally are correct. How, then, can we know which of these points is likely to predominate in practice?

The relevant empirical evidence is exceedingly thin, although the 60 cases in the Davis/‌Lande study help somewhat. While we cannot know whether those cases settled for the “right” amount, plaintiffs recovered approximately $500 million per case on average. Defendants are unlikely to settle for such large amounts unless there was a significant chance they ultimately would lose on the merits. These cases also suggest that at least some plaintiffs’ attorneys do not sell out their class members entirely. Because the empirical evidence is quite thin, we now turn to an analysis of incentives and legal doctrine.

Professor Hovenkamp notes a key starting point in the analysis: “Most lawsuits settle when each party has some prospect of winning or losing. The settlement discounts these probabilities into a certain agreement immediately rather than an uncertain outcome later.” In addition, it is extremely unlikely for defendants to knowingly pay treble damages because, inter alia, defendants rarely, if ever, pay prejudgment interest in antitrust cases. And given the long delay between a violation and resolution through trial or settlement, the recovery is reduced significantly by this factor. Further, defendants are rarely—if ever—held liable for various kinds of harms their antitrust violations cause, including umbrella effects of market power and allocative inefficiency effects of market power. Of course, often a private action will not make economic sense because the damages are too low and the costs of litigation are too high. Victims in these cases might settle for a fraction of their damages—or might not file at all.

Antitrust defendants likely have a **significant advantage** over plaintiffs in settlement negotiations for other reasons. Plaintiffs may suffer in the short term and defendants may benefit from delay, placing defendants at a significant advantage in the settlement negotiations. Antitrust defendants often are rich and powerful economic actors; they can exploit market power to the detriment of the victims, who usually are in a more vulnerable position. This disparity can affect the litigation and settlement process. Plaintiffs will often lack the resources to tolerate the expense and disruption that litigation entails, and be **forced to settle for less** than if they were able to wait for a final verdict.

There is no doubt that many defendants in antitrust cases are risk-averse, especially when extremely large sums of money are involved. But the same is true for plaintiffs and their attorneys, especially since many plaintiff cases are class actions that are financed by the attorneys involved. Moreover, we might expect that the decisionmakers for the plaintiffs—often their attorneys—are even more risk-averse than defendants. We know of no reason why defendants would be more risk-averse than plaintiffs. Moreover, defense counsel themselves may not be overly risk-averse. They have no direct stake in the outcome of trial and, given the extraordinarily high rate of settlement in class action cases, likely feel comfortable they can settle eventually if their pretrial efforts prove unsuccessful.

The U.S. Supreme Court and lower courts in recent years have also made it easier for defendants to prevail when they move to dismiss, move for summary judgment, and when they oppose class certification. These factors all tend to significantly lower the settlement amount.

One legal settlement principle seems worthy of special mention: the Grinnell doctrine. As Professor Leslie has documented after the U.S. Court of Appeals for the Second Circuit’s 1974 Grinnell opinion, “courts evaluating the reasonableness of a proposed class action settlement almost uniformly decline to consider the trebling of antitrust damages.” However, despite its longevity, “[t]he very origin of the rule to disregard trebling is founded on an apparent misreading of the law.” As Professor Leslie shows:

Despite the fact that trebling is mandatory, federal courts generally refuse to consider the trebling of antitrust damages when evaluating proposed settlements in antitrust class action litigation . . . . The Second Circuit in its influential decision opined that it would be “improper” to consider the fact that any damages following trial would be trebled “when computing a base recovery figure which will be used to measure the adequacy of a settlement offer.” . . .

Subsequent courts followed Grinnell en masse.

Because almost every meritorious damages case settles, Professor Leslie concludes “that courts have already effectively detrebled antitrust damages.”

Perhaps for all these reasons, the courts rarely reject proposed antitrust settlements as being too low. When asked about the court rejecting the proposed $324 million settlement in the recent High-Tech Employee cartel case, Professor Daniel Crane thoughtfully responded: “I cannot recall a judge saying in a class-action case that the amount of settlement is too low and you need to go back and go for broke at trial[] . . . . This is very striking.”

Just because most successful cases settle for relatively low amounts does not mean that plaintiffs rarely recover significant damage amounts. Professor Connor’s analysis of over 100 international cartels prosecuted between 1990 and 2008 found a total of $29 billion in announced private settlements in U.S. cases. The only other aggregate estimate of which we are aware is the Davis/‌Lande study of 60 large private cases that settled after 1990. Twenty-five actions filed against large cartels produced between $9.2 billion and $10.6 billion in cash payments, and all 60 cases together produced cash payments of $33.8 to $35.8 billion.

Are these settlements for “high” or for “low” amounts? The key information that is missing, of course, is the percentage of the violators’ overcharges that these cases settled for. Thanks to Professor Connor’s cartel database we can now test these suppositions.

IV. Analysis of the Settlements: The Recovery Ratio

The Private International Cartels (“PIC”) database contains information on more than 1000 cartels discovered since 1990. We searched it to find cartels for which (1) there was a completed U.S. damages suit; and (2) a disinterested evaluator calculated the cartel’s U.S. overcharges. We did not include any overcharge estimates prepared by parties working on the cases, or their lawyers or economists, or any subsequent estimate that we knew to be published by interested parties. Economists prepared most of the relevant 71 overcharge calculations as part of their scholarly research and published the calculations in peer-reviewed journals, book chapters, or posted working papers.

We limited our sample to cartels for which we could identify the United States sales during the allegedly illegal periods. We only included the damages secured in private cases filed in the United States. We included damages paid to both direct and indirect purchasers (but not criminal fines). We limited our sample to cartels that were originally discovered after January 1990 and all defendants’ settlements amounts were announced. We used nominal dollars: we did not adjust for the fact that the overcharges occur years before payments in damages actions.

We combined multiple suits by different victims or classes of victims of the same cartel, including opt-out cases, into one “case.” Indeed, even the definition of a “cartel” is open to dispute or judgment. For example, was the international Vitamins cartel one huge interconnected “super cartel,” was it three large cartels that affected a differing array of vitamins and formed and waned over time (because there were three separate damages cases filed), or was it actually 16 separate cartels as the European Commission and economists would prefer to treat them? There is no easy way to resolve these issues and reasonable people could differ as to the answer. Counting the 16 vitamins cartels as one observation or “case,” we identified 71 cartel cases for which we could find the necessary information.

To summarize the results, we present data on the Recovery Ratio, the amount recovered by plaintiffs divided by the amount overcharged. A Recovery Ratio of 1.0 (or 100%) would indicate full disgorgement of the cartel’s illegal profits, a Ratio of 3.0 **(300%)** would signal treble damages recovered, and so forth.

A Recovery Ratio Example: Lysine

The global Lysine cartel operated in the United States from 1992 to 1995, generating affected sales of $495 million. A posted economic study concluded that overcharges were $80 million. Direct purchasers recovered $55 million and indirect purchasers recovered $27.5 million.

The Recovery Ratio = ($55 + $27.5)/‌$80 = 1.03

Our analysis of the 71 cartel cases shows that the victims of only 14 cartels enjoyed Recovery Ratios of 100% or higher, and only seven received more than 200%. The rest—the victims in 57 cases—failed to recover the amount the cartels initially overcharged them.

Overall, the average (i.e., the simple arithmetic mean average) Recovery Ratio is 66%. However, when one plots the probability densities of the settlement/‌overcharges percentages, it is immediately apparent that these ratios look nothing like the usual bell-shaped curve of a “normal” distribution. In fact, the distribution is highly skewed, with the number of very small percentages much greater than the number of large percentages (see Appendix). Under such circumstances, the median average is a better representation of central tendency than is the mean average. And the median Recovery Ratio is considerably lower, 37%.

We note that the 71 cartels vary greatly in size, both in terms of sales and dollar overcharges. The mean and median averages treat each cartel observation as though they are of equal size. A third representation of central tendency—and the one we prefer—is the weighted average. The weighted average Recovery Ratio (a figure that weights the settlement/‌overcharges percentages according to their dollar overcharges) is **19%.**

Private damages cases are believed to be on a surer footing if they are preceded by criminal convictions. Plaintiffs in civil cases can introduce these convictions as prima facie evidence of collusion. Moreover, evidence gleaned from the earlier cases provides details about cartel conduct that helps build superior empirical models to estimate damages. Finally, the Department of Justice (“DOJ”) may tend to prosecute cartels with the highest damages. Thus, followership advantages ought to confer higher Recovery Ratios ceteris paribus. To see whether followership explains the height of average Recovery Ratios, we divided the 71 cartel cases into three groups: (1) 36 suits that followed successful U.S. government convictions; (2) six that followed findings of price-fixing violations by civil European Union (“EU”) administrative antitrust authorities, and (3) 29 non-follow-on damages suits. As expected, the mean and median average Recovery Ratios are highest for the follow-on suits, where the cartels were previously convicted by the U.S. antitrust authorities (81.2% and 52.4%, respectively). The average Recovery Ratios are much lower for the non-follow-on suits (54.8% and 22.7%). Prior adverse EU decisions provided the least assistance by far: the mean and median Recovery Ratios are 26.8% and 8.7%.

The figures presented in this Part are subject to the caveats noted throughout this Essay, and the “true” figures could be different for many reasons. For example, although we attempted to include every opt-out case, surely we missed some, especially smaller opt-out cases. Unless we had reason to disbelieve the parties’ information, we accepted their statements about the settlements’ value. Similarly, some cases yielded products, coupons, or discounts that were too difficult for us to quantify easily, so we ignored their possible value. And, of course, some of these products or discounts had different values to the plaintiffs than to the defendants, and reasonable people could differ about which is the best measure of value. Similarly, some settlements had non-monetary value, such as injunctive relief. And, fundamentally, we relied upon the overcharge estimate of the neutral scholar who studied the case. The only exceptions were when a judge or jury made a finding that, for example, accepted the estimate of plaintiffs’ expert. On the rare occasion that this happened, we allowed court decisions to trump economists’ findings.

The highest Recovery Ratio (expressed in nominal dollars) in our sample was secured in the EPDM cartel case: 365%. It is of course puzzling why a cartel would ever settle for treble damages, let alone for a higher sum. There are several possible explanations. First, the calculations shown in this Essay make no adjustments for the time value of money. Since the overcharges often arise many years before the payouts in the private cases, adjusting the payment using net present value to the year the settlement was made will result in a smaller payment number. Consequently, the final payment/‌overcharge ratio will be smaller. Both the settlement amount and the damages ought to be expressed in the dollars of the same year. To take the EPDM example, adjusting the 365% Recovery Ratio for the time value of money reduces the ratio to 165.5%—well below treble damages. Adjusting all the other cartels’ ratios would result in smaller ratios as well.

Second, the statutory **maximum** actually is treble damages, plus reasonable attorneys’ fees, plus reasonable expert witness costs. Perhaps the legal and expert witness fees, in addition to treble damages, could total 365% of the overcharges. Or, it is possible the parties involved in the case miscalculated the cartel’s actual damages, or disagreed with the case evaluation overcharge results in the report we utilized in our calculations.

Conversely, in four of the 71 cartel cases the Recovery Ratios were less than 1%, in 12 they were less than 10%, and another eight were between 10% and 20%. Although there are many reasons for such low settlements, some that might make us sympathetic to plaintiffs and others that might make us sympathetic to defendants, these results certainly are grounds for reflection.

It should be stressed that these results apply only to overcharges and sales made in the United States. Most of these cartels operated worldwide. Thus, for example, we calculated that the U.S. Recovery Ratio of the Vitamins “super cartel” is 246% (expressed in dollars not adjusted for inflation). Our calculations did not, however, consider the Vitamin cartel’s overcharges or sales outside of the United States. If this cartel were evaluated on a worldwide basis, when all of its payments in private suits are added to the fines it paid worldwide, and this total is compared to the collusive overcharges it was able to enjoy worldwide during the period of the alleged conspiracy, overall the Vitamins cartel still made a profit.

One caveat is that the affected sales data were estimated by the first author. Some of the sales figures are exceedingly precise and most are based on reliable base numbers, but some rely on the best available resources on market sales found in business libraries. As an example of a precise estimate, plaintiffs’ counsel in the Private Equity Buyouts case provided the transaction values of the nine leveraged buyouts at issue in the case; these data are fully public figures. The more reliable sales data began with the cartel’s sales as revealed by government prosecutors for one or a few years; then total sales were estimated with a reasonable growth rate over the collusive years. However, the Private International Cartels (“PIC”) data takes note of sales estimates that are judged to be less reliable.

Of the 71 observations, 30 were flagged as having less reliable sales estimates. For example, in Refrigerant Compressors, sales data was obtained for all such compressors, but the private suit limited sales to only compressors of one horsepower or less, and the latter was not available. Thus, sales for this cartel may be overestimated, so a dollar overcharge figure will underestimate the settlement percentage. To investigate the extent of the bias created by unsure sales data, we recalculated the average Recovery Ratio for the remaining 42 cartels. The median average rises to 42%, the weighted mean average rises to 31%, and the simple mean average falls to 62%. Because the differences in averages between the two samples are small, the less reliable sales estimates did not significantly bias our results.

Notwithstanding the fact that the Vitamins defendants were large and paid high overcharge amounts in the cases filed against them, on average plaintiffs tend to be rewarded relatively poorly in the biggest cases. For example, the cartels with the ten smallest U.S. sales have median overcharges of 81% of affected sales; examples of highly successful cases in the group are PVC Window Coverings,Nitrile Butadiene Rubber, and Buspirone. By contrast, the ten largest cartels have median settlement of 11% of sales. Correlation analysis confirms the inverse relationship.

V. Antitrust’s Need For Multiple Damages

The antitrust statutes provide that violations give rise to automatic treble damages plus “reasonable attorney’s fee[s].” The legislative history and case law indicate that compensation is a goal, perhaps the dominant goal, of antitrust’s damages remedy. In addition, the statutes were primarily aimed at avoiding wealth transfers from purchasers to firms with market power caused by this market power—which is analogous to a compensation goal. The congressional decision to award treble damages certainly could lead one to conclude that two-thirds of antitrust damages were meant for some purpose other than compensation, such as deterrence. However, it is possible that even the “extra” damages were intended to compensate victims for such unawarded items as prejudgment interest, or damages that are difficult to measure, such as umbrella effects of market power or the victims’ time spent pursuing a remedy.

Indeed, when these factors are considered, antitrust’s nominal “treble damages” probably are only approximately single damages.

Although it is possible that compensation is the only goal of the antitrust damages remedy, “[v]irtually every analysis of antitrust damages issues assumes that . . . [at least a purpose, and perhaps] the entire purpose . . . is deterrence.” Many scholars believe that the primary purpose of the underlying substantive provisions is to enhance economic efficiency, which typically is the goal of optimal-deterrence approaches.

The antitrust community usually uses the deterrence framework developed by Professor William Landes. Landes showed that, to achieve optimal deterrence, the damages should be equal to the violation’s expected “net harm to others” divided by the probability of detection and proof of the violation. As an example of how this approach would operate in practice, one should multiply the “net harm to others” by the inverse of the probability of detection and conviction. Despite government efforts to eliminate cartels, evidence continues to show that many cartels are still in operation. For ideal deterrence, sanctions should be more than a cartel’s “net harms to others” in order to account for this less than 100% probability that the government will find a cartel and that the cartel will be later convicted. If a cartel expected to overcharge by $100 but only had a 33% chance it would be discovered and then convicted, the sanctions should slightly exceed $300. Without multiplying a firm’s “net harm to others” by the likelihood that the firm will actually pay for that harm, **firms will not be deterred** from violating antitrust law.

For cartels, the relevant literature indicates there is a 20% to 25% probability that they will be detected and convicted. Most analysts of both the Chicago and post-Chicago schools of antitrust accept these principles.

From a compensation perspective, these damages should of course be awarded to the victims of the anticompetitive behavior. From a deterrence perspective, however, these damages could instead be awarded to the state as fines. The United States has of course chosen a mixed antitrust remedies system, one that awards nominally trebled damages (which, as noted earlier, do not account for all of the losses) to victims, and also imposes fines and other sanctions. As the authors have shown, however, the totality of the current remedies system is inadequate to achieve optimal deterrence, at least for cartels.

The precise optimal multiplier certainly might well be different for different types of antitrust offenses. For example, cartels are hidden because price fixing is per se illegal, and in part for this reason a large multiplier is necessary. Moreover, there is general agreement that collusion is anticompetitive, and there is less fear that high cartel fines could deter procompetitive behavior that is close to the margin of legality. However, cartels can also be the subject of corporate fines as well as fines and prison for the executives involved, so the damages in private cases do not have to provide all the necessary deterrence.

By contrast, many other types of antitrust violations involve relatively public conduct, so detection can be relatively easy. Even in monopolization cases, however, many of the issues crucial to liability—did the defendant price above or below average variable cost? What is the relevant market? Does the defendant have monopoly power?—are difficult to ascertain. In fact, these issues often are more difficult for plaintiffs to prove than many of the most important questions at issue in the liability stage of most collusion cases, including the crucial issue of whether defendants fixed prices. It is much easier to show that a discovered cartel has violated the antitrust laws than a discovered monopoly, so an extremely high multiplier might be appropriate for these cases as well.

Thus, the optimal damages multipliers will be different for different types of offenses. Nevertheless, because even relatively public violations are difficult to prove, from a compensation or—especially—from a deterrence perspective, antitrust violations should give rise to a damages multiplier that is greater than one. As our calculations in Part IV have shown, however, **few antitrust settlements achieve this** goal.

VI. Conclusions

Victims of only 14 of the 71 cartels (20%) we studied had Recovery Ratios above 100%. Of these, **only** seven (**10%**) received at least double damages. The rest—the victims in 57 cases—received less than their initial damages, and 12 received less than 10% of their damages. Three averages may be calculated. First, the median Recovery Ratio is 37%. However, because the distribution of the Recovery Ratio is so skewed, the weighted mean (a figure that weights the settlements according to their overcharges) is much lower (19%) than the unweighted mean Ratio of 66% (which gives equal weights to the cartels that operated in large markets and those that operated in small markets). Plaintiffs are generally rewarded relatively poorly in the biggest cases.

Not surprisingly, damages actions that follow adverse legal enforcement by the DOJ or the Federal Trade Commission result in higher average Recovery Ratios than non-follow-on settlements. The variation in the ratios among cartels is large, but we do not fully understand the reasons for the disparities in recoveries. Future empirical studies might investigate whether the number and types of defendants, the size of fines imposed, the presence of an immunized amnesty applicant, the length of the civil proceedings, or other measurable factors can explain the variation in Recovery Ratios. Other determinants of variation in Recovery Ratios (e.g., changes in the stringency of class certification rules, sweetheart deals by plaintiffs’ lawyers) may be more difficult to measure.

As Part III showed, antitrust damage awards should be significantly greater than the actual damages caused by violations. In an earlier article, one of the authors showed that even on those relatively unusual occasions where the parties do not settle and the victims do receive nominal treble damages, due to the absence of prejudgment interest and a number of other factors, they are likely to receive only an amount that is close to single damages. This Essay in many ways takes that conclusion further by demonstrating that most cartel damages cases settle for significantly less than single damages. Several important policy implications follow from this.

First, judges should realize that antitrust settlements can be for almost any percentage of the damages caused by the underlying cartel. As noted in Part IV, several Recovery Ratios are less than 1%, and 12 are under 10%. By contrast, a small number of settlements were for more than actual or double damages. Of course, the “just,” “reasonable,” or “fair” percentage will vary according to the relative strength of the case, and will depend on many other factors.

Although this point might seem obvious, in court decisions the parties tend to discuss the settlement/‌sales ratio, which is an inappropriate measure of victim’s welfare. Moreover, parties sometimes agree to settle for very low percentages of sales (e.g., less than 10%), and then represent to the court that it should accept their low proposed settlements because these ratios are what actually occur in private class action cases.

Of course, sometimes very low settlements are indeed appropriate. Nevertheless, courts should ignore the parties’ assertions as to what typically, often, or usually happens in settlements. Most of these submissions are neither reliable nor as relevant as the Recovery Ratio. We instead urge courts to evaluate each settlement on its merits. If necessary, courts should follow the lead of the wise and courageous judge in the High-Tech Employee cartel case and reject a proposed settlement as being too low, even if it would have returned $324 million to the victims.

Second, judges should realize that awarded antitrust damages are usually much less than actual damages, so they should fight any conscious or unconscious tendency they might have to award defendants close factual or legal decisions out of a fear that the action will lead to true treble damages that will “over-punish” defendants and/‌or “over-reward” plaintiffs. Because awarded damages are not as a practical matter even close to true treble damages, judges should also refrain from being ungenerous to victims when they decide standing issues or compute the amounts of damages to award.

Third, Illinois Brick repealers make more sense. The specter of six-fold or higher damages for civil antitrust violations seems remote. If federal or state Illinois Brick repealers led to effective double damages for antitrust violations, this would almost certainly be more nearly optimal than the current situation. Moreover, Illinois Brick repealers are almost certainly the best way to compensate consumers who are indirect purchasers of supracompetitively priced items. Potentially overlapping state antitrust and tort laws are also more likely to be in the public interest, because their combined effects are likely only to increase awarded damages to the two-fold level, rather than the six-fold level.

Fourth, the Grinnell doctrine, which measures the adequacy of antitrust settlements as compared to single damages, should be abolished. Professor Leslie’s analysis of why this doctrine is unsound and should be overturned is compelling. His conclusions are made even stronger by this Essay’s conclusion that few cases settle for even single damages. The Grinnell doctrine could, moreover, be a large part of the reason why antitrust settlements are so low.

Fifth, the antitrust community should seriously explore the possibility that criminal antitrust fines should be raised. As the authors have shown elsewhere, overall cartels are **not** adequately **deterred** by the current combination of private and public remedies. Higher criminal fines would help provide more nearly optimal deterrence in the cartel area although not, of course, for other areas of antitrust. This Essay has shown that the contribution of private cases to cartel deterrence, while certainly important and significant, is not nearly as large as it would be if private cases usually did secure treble damages.

#### Education---comparing EU and US models is vital for understanding the nuances of antitrust. Comparative solvency evidence proves.

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Until the 1990’s, US markets were more competitive than European markets. Today, European markets have lower concentration, lower excess profits, and lower regulatory barriers to entry. We document this surprising outcome and propose an explanation using a model of political support. Politicians care about consumer welfare but also enjoy retaining control over industrial policy. We show that politicians from different countries who set up a common regulator will make it more independent and more procompetition than the national ones it replaces. Our comparative analysis of antitrust policy reveals strong support for this and other predictions of the model. European institutions are more independent than their American counterparts, and they enforce pro-competition policies more strongly than any individual country ever did. Countries with ex-ante weak institutions benefit more from the delegation of antitrust enforcement to the EU level. Our model also explains why political and lobbying expenditures have increased much more in America than in Europe, and using data across industries and across countries, we show that these expenditures explain the relative rise of concentration and market power in the US.

#### 3---Predictable---the EU is the largest regulator, and directly competes with the US.

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Competition laws are critical in balancing the relative role of private and public power in the marketplace. 1 These laws shape global business conduct and often determine which products are produced and consumed. Yet the world’s two biggest competition regulators—the European Union and the United States—often find themselves at odds in high-profile investigations of anticompetitive conduct. EU regulators typically take a more aggressive stance than American regulators reviewing the very same conduct under their respective competition laws. For example, in 2017 the European Commission imposed a record-high $2.3 billion fine on Google for, allegedly, manipulating its search results to favor its own shopping comparison service to the detriment of its rivals.2 In contrast, the US Federal Trade Commission found no “search bias” and concluded instead that Google’s behavior benefited consumers. In 2018, the EU doubled down on Google with an even higher fine of $5 billion in another competition law case involving Google’s operating system Android, 3 followed by a 2019 fine of $1.7 billion in a case involving Google’s AdSense online advertising program. 4 Again, equivalent conduct has not been challenged in the US to date. Other recent targets of the EU’s competition enforcement include Qualcomm5 and Apple.6 These prominent cases against US companies are not a new phenomenon. They build on a series of decisions against US corporate giants—including Intel,7 Microsoft,8 and General Electric9—over the past several decades. In all these instances, US regulators have either taken no action or intervened with a more modest remedy. While these examples all involve US companies, the EU regulators have also targeted EU companies with similar fervor. For example, in a 2016 acquisition involving the world’s largest and second largest brewer, the Commission required the Belgian acquirer of Anheuser-Busch InBev to sell practically their entire UK-based beer business as a condition for approving AB InBev’s over $100 billion acquisition of SABMiller. 10 The EU and the US not only have their regulatory differences, but they also want the rest of the world to follow their respective regulatory models. Both jurisdictions have actively promoted their competition laws as “best practices” abroad, urging developed and developing countries alike to adopt domestic competition laws and build institutions to enforce them (Kovacic 2015; Tappan and Byers 2013; Kovacic 2008; Fox 1997). They promote their models through a specialized network of competition regulators—the International Competition Network (ICN)—and also more general bodies—notably the Organization for Economic Cooperation and Development (OECD) and the United Nations Conference on Trade and Development (UNCTAD) (Tritell and Kraus 2018). They also employ bilateral tools in their promotion effort—including offering technical assistance to emerging competition law jurisdictions (Tritell and Kraus 2018). In its trade agreements, the EU also explicitly conditions access to its markets on the adoption of a competition law, exporting its own law in the process (Bradford and Chilton 2019), while the US relies primarily in its persuasive powers rather than on formal treaties in exporting its laws (Kovacic 2015). There are multiple motivations for states to seek export their laws abroad. For one, having the rest of the world replicate one’s regulatory framework lowers the costs of entering foreign markets. The regulatory similarity with the EU is expected to lower the entry costs for EU companies to those third markets given that the EU companies already comply with similar standards at home. For the same reason, the US prefers to export its model and hence avoid adjustment costs that its companies may face when confronted with regulatory differences. For another, exporting one’s rules ensures that competition takes place on “optimal,” “efficient,” or “fair” terms across the global markets—as defined by the jurisdiction that successfully exports its laws. Finally, the winner of the regulatory race is able to export its economic philosophy to third countries, which serves as a testament to the appeal of that jurisdiction’s value system. In case of competition law, the countries’ choice of aligning themselves with the EU or the US reflects a more fundamental choice between an ideology that either places greater trust in the governments’ ability to improve outcomes through intervention (EU model) or, alternatively, trust in the markets’ ability to self-correct (US model).

#### EU saves multilateralism---solves a host of existential threats.

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Science increasingly claims that that we will hardly survive on this planet unless we can agree on a set of common solutions to its main problems. ~~Mankind~~ [Humanity] has basically got its back against the wall when it comes to climate, energy, water and other resources, pandemics, pollution, regulation of technology, numerous socio-economic challenges such as growing inequality and migration. Without multilateral organizations seeking global solutions, it will be almost impossible for the countries of the world to find common solutions to international or planet-wide problems, which no country can handle on its own.

Donald Trump entered the international scene in 2017. His electoral promise of “America First” is now supported by a philosophy that “national sovereignty rules”. He sees international relations not as sustained international cooperation for mutual benefit but rather as a zero-sum game.

Mr Trump has threatened Europe, China, and other countries with trade wars and has shown little concern for human right abuses by authoritarian regimes around the world. He has also shown contempt and disregard for the institutions and principles of both NATO and the EU. He has directed US withdrawal from a host of multilateral institutions and programmes, including:

* The Paris climate deal
* The Trans-Pacific Partnership
* UN female reproduction programmes
* The Iran nuclear deal
* The UN Global Compact for Migration.
* The Universal Postal Union (UPU) (dating from 1874)

Trump has also cut back US aid to the UN High Commissioner for Refugees and support to the Relief and Works Agency for Palestine. There will probably be more to come.

The UN founding fathers started during the chaos of World War II to rebuild multilateralism into the shape of the UN. But today, who can effectively replace a USA withdrawing from its multilateral commitments? There is in my opinion only one actor that can aspire to fill the vacuum currently left by the US, the European Union. There are several reasons why:

1. The EU is committed to effective multilateralism. Support for the UN remains a cornerstone of European Union policy. The Union’s unwavering political support of the UN is an expression of its commitment to effective multilateralism.

2. The EU is the only fully participant non-state actor in the UN.

3. The EU is the largest financial contributor to the UN. Collectively, the European Union and its Member States remain by far the largest financial contributor to the UN, providing 30% of all contributions to the budget and 31% of peace-keeping activities in addition to substantial contributions towards voluntary funding.

4. The EU supports the UN reform agenda. The European Union has actively supported UN reform with the idea that the UN should be better equipped to face such modern threats as irregular conflicts, global pandemics, climate etc. The reform debate, which is still ongoing, shows a clear tendency towards regional/sub-regional representation to boost the legitimacy of the UN and provide broader input to the organization. Some may object that the European Union has been hampered by the lack of a common position among EU Member States on the future of the UN Security Council (UNSC), where two member-states, UK and France, currently have permanent seats and one, Germany, is desperate to get one. There is an obvious solution: the European Union is the best choice for representing its member states on the UNSC and the European region in accordance with well-defined coordination procedures.