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# 1NC

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### 1NC---Racial Capitalism K

#### Anti-trust is based in free-market logics of competition and consumerism that reify neoliberal exploitation. Monopolies are inevitable in a world of government collusion and empire-building, only the alt solves.

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One of these is the inexorable tendency of competition to lead to monopoly under capitalism. Competition means winners and losers. By definition, not everyone can win when competing. Competition means rivalry for supremacy. Thousands compete in the Olympics, for example, but only a select few (“winners”) go home with a gold medal.[1] It is no accident that the economy, media, and politics are heavily monopolized by a handful of billionaires while billions of people who actually produce the wealth in society and run society remain marginalized and disempowered.

This brutal reality cannot be reversed or overcome with the utterance of a few platitudes, the passage of some policies, or the creation of some agencies that claim to be able to fix the outdated economic system, especially when all of the above come from billionaires themselves.

On July 9, 2021, President Joe Biden issued an Executive Order on Promoting Competition in the American Economy (https://www.whitehouse.gov/briefing-room/presidential-actions/2021/07/09/executive-order-on-promoting-competition-in-the-american-economy/).

The order is about 7,000 words long and full of anticonscious statements. Disinformation pervades the entire order.

The opening paragraph begins with the following disinformation:

By the authority vested in me as President by the Constitution and the laws of the United States of America, and in order to promote the interests of American workers, businesses, and consumers, it is hereby ordered….

Here, “American workers, businesses, and consumers” are casually misequated and no mention is made of citizens or humans. The implication is that consumerism is normal, healthy, and desirable, and that workers and big business somehow have the same aims, world outlook, and interests. This conceals the fact that owners of capital and workers have antagonistic irreconcilable interests and that people exist as humans and citizens, not just utilitarian consumers and shoppers in a taken-for-granted system based on chaos, anarchy, and violence.

Disinformation is further escalated in the next paragraph:

A fair, open, and competitive marketplace has long been a cornerstone of the American economy, while excessive market concentration threatens basic economic liberties, democratic accountability, and the welfare of workers, farmers, small businesses, startups, and consumers.

“Market concentration” has been the norm for generations. Monopolies, cartels, and oligopolies have been around since the late 1800s. Mergers and acquisitions have been taking place non-stop for decades. The so-called “free market” largely disappeared long ago. Objectively, there can be no fairness in a system rooted in wage-slavery and empire-building. Wage-slavery is the precondition for the tendency of the rich to get richer and the poor poorer. It is not a recipe for prosperity and security for all. This is also why inequality, tyranny, violence, and surveillance have been growing over the years. Moreover, what “threatens basic economic liberties, democratic accountability, and the welfare of workers, farmers, small businesses, startups, and consumers” is the ongoing political and economic exclusion of people from control over the economy and their lives by the financial oligarchy. There can be no liberty, accountability, and welfare when most people are deprived of real decision-making power and major owners of capital make all the decisions. Problems would not constantly worsen if people had control over their lives. The “best allocation of resources” cannot be made when the economy is carved up, fractured, and controlled by competing owners of capital.

Although recurring economic crises for well over a century have repeatedly discredited “free market” ideology, the 7,000-word executive order is saturated with the language of “choice,” “competition,” and “consumers.” This is the same worn-out language used by privatizers of all hues at home and abroad.

Further, while the executive order gives many examples of “economic consolidation” in numerous sectors, the government is not interested in creating a self-reliant vibrant diverse economy that meets the needs of all. It is not committed to reversing “the harmful effects of monopoly and monopsony.” Numerous antitrust laws have not stopped either. Big mergers and acquisitions have been going on for years. Rather, the executive order is an attempt to restructure economic and political arrangements among different factions of the wealthy elite; it reflects a new stage or form of inter-capitalist rivalry for even greater domination of the economy by fewer owners of capital. In other words, moving forward, the economy will remain monopolized by a few monopolies. Wealth is only going to become more concentrated in fewer hands in the years ahead. Mountains of data from hundreds of sources document growing wealth and income inequality every year.

The bulk of the executive order is filled with endless directives, strategies, rules, and suggestions for how to curb “unfair practices” and promote “fairness” and “competition.” But these all ring hollow given concrete realities and past experience.

Today, governments at all levels have been taken over by global private monopoly interests and have become instruments of decisions made on a supranational basis. There is a fine-tuned revolving door between officials from government and the private sector; they have become synonymous for all essential purposes. The same people who run major corporations also serve in high-level government positions where they advance the narrow interests of the private sector and then they leave government and return to their high-level corporate positions. There is a reason why the majority of members of Congress are millionaires. The Executive Branch in the United States, especially the President’s Office, is a major tool for the expression of the will of the most powerful monopolies. This is why billions of dollars are spent every few years to select the President of the country.

A modern economy must be controlled and directed by workers themselves. Only such an economy can provide for the needs of all and avoid endless economic distortions. Uneven economic development, “unfair” arrangements, “market concentration,” monopolies, oligopolies, and recurring crises cannot be avoided so long as those who actually produce the social product have no control over the social product. Workers have first claim to the wealth they produce and have the right to decide how, where, and when that wealth is used. Major owners of capital are historically superfluous and a big block to progress. They are not needed for a healthy vibrant self-reliant economy that meets the needs of all.

#### Anti-trust against big tech is a ruse to restore capitalist competition and impose American ideology on the Global South.

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In July, the CEOs of Google, Apple, Facebook and Amazon appeared before Congress in an “historic” antitrust hearing. The event was met with great fanfare from the press. In early October, the United States House Judiciary Committee published a 450-page report criticising the anti-competitive business practices of the four giants and recommending new measures to “restore competition” to the market.

Mainstream “tech critics” across the political spectrum of the so-called “techlash” are celebrating this antitrust agenda led by the US Congress and the intellectuals informing the hearings. They see nothing wrong with the American legal system reshaping corporations that dominate markets outside US borders. After all, they accept the notion that the US “owns” the world and see capitalism as the only system imaginable.

For them, the reformist goal to “restore” a “capitalism for the people” is seen as the proper way to fix Big Tech. The Americans are joined by European power elites, who are seeking to curb the dominance of Big Tech as part of an effort to increase market share for European companies.

Yet the solution to American Big Tech corporations dominating markets across the world cannot come from the American or European pro-capital legal systems. Rather, it has to be a collective effort by the international community, focused on bottom-first redistribution for the Global South, as part of a global transformation towards a sustainable green economy.

The new progressives and neo-Brandeisian antitrust

To understand Big Tech antitrust in the US, we need to understand its origins. The movement was spearheaded by a group of US legal scholars, sometimes called the neo-Brandeisians, named after Supreme Court Justice Louis Brandeis (1856-1941).

As a young lawyer and legal scholar, Brandeis focused on social justice issues and financial power. As corporations restricted competition through “trusts”, he became concerned with how monopoly power could undermine democracy and harm society. His work inspired “antitrust” legislation banning unfair business practices in the US.

Decades later, in the 1970s, a conservative group of legal scholars sought to restrict the scope of antitrust in the US. These neoliberals of the Chicago School, led by legal scholar Robert Bork, argued that antitrust should be narrowly concerned with economic efficiency, largely measured by lower prices for consumers. Inspired by the likes of Bork, US courts began ruling that “consumer welfare”, rather than broad concerns about democracy and power, should be the focus of antitrust.

Over the past few years, neo-Brandeisian scholars dug into legal history and argued, correctly, that the neoliberal antitrust framework does not work for Big Tech. Its business model cannot always be measured by the price that consumers pay for a firm’s product (eg Facebook, Twitter, and YouTube are “free”), and broader concerns around democracy and equality should inform antitrust. In order to fix Big Tech, they insist, we need to think broadly about antitrust and antimonopoly, much like Louis Brandeis did a century ago.

While this all sounds great, a closer look at what neo-Brandesians offer reveals two significant problems with it: one, they want the US to legislate for a problem that concerns the whole world; two, they still insist on a capitalist solution which is incompatible with notions of global social justice and environmental protection.

Big Tech is global

Neo-Brandeisian scholars intend to restructure Big Tech within a framework of US law, spearheaded by US thinkers. However, the firms they want to regulate have a global reach that harms people outside of the US as well.

In fact, the central business model of Big Tech is digital colonialism. Google, Amazon, Facebook, Apple, Microsoft (GAFAM) are worth more than $5 trillion in total and much of it is profit coming from abroad

For example, less than half of Facebook’s revenues come from the US and Canada, while nine of its top 10 user bases are from Global South countries, totalling 957 million users. The US, by comparison, has 190 million users.

Most revenue for Apple and Google comes from outside the US as well, and almost half of Microsoft’s revenue comes from abroad. A large majority of Amazon’s total revenue comes from its US operations, but it is expanding globally, and its Amazon Web Services dominate the global cloud market.

If we zoom in on individual countries, the scale of the problem becomes even clearer. A small country may provide a tiny fraction of GAFAM’s revenue, but the giants still capture a large share of various markets in that country. For example, in South Africa, Google controls 70 percent of local online advertising, and social media – led by Facebook – another 12 percent. South Africa’s largest media groups take just 8 percent of the pie

Some 84 percent of smartphones in South Africa use Google Android operating systems, while 15 percent – Apple; 72 percent of desktop computers have Microsoft Windows, while 17 percent – Apple. Other products and services, such as e-hailing, streaming entertainment, search, cloud and office suites are also dominated by American firms. This dynamic repeats throughout the world.

US tech reformers have little to say about the global nature of US tech transnationals, or about why laws regulated by the US government should reshape the core structure of global behemoths. Most of them also no longer discuss how the partnership between the National Security Agency and Big Tech promotes American military imperial interests outside of the US.

The best neo-Brandeisian scholars can argue is that their proposals would weaken the stranglehold of the Silicon Valley beyond US borders. But this is not enough to resolve the problem and does nothing to address the looming environmental catastrophe we are facing.

‘Kinder capitalism’ does not work

US tech reformers assume that market competition – supplemented by new privacy laws, public utility regulation, and some publicly subsidised, non-profit alternatives – is the solution to the power of monopoly. However, they do not address the problem of how private property in a capitalist marketplace creates inequality in the first place. Would “competitive markets” really benefit the Global South?

Competition means beating other people out, and poorer people and nations are naturally disadvantaged in such a competition.

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

Indeed, reformers assume we can restore “competitive capitalism” while we are staring at the abyss of permanent environmental destruction. Proponents of capitalism maintain that we can grow our way to poverty alleviation and innovate to stop climate change and environmental degradation. But estimates show that under the growth model of the past few decades, the global economy would require a 175-fold increase in global consumption and production just to bring billions of poor people up to a meagre $5 per day. And in the process, we would most definitely destroy the environment.

Degrowth researchers have demonstrated that capitalism is fatally flawed. A capitalist economy focuses on profit and growth, which increases greenhouse gas emissions overheating the planet and leads to over-extraction of material resources, which results in ecological collapses.

The richest nations are dependent on material extraction from the poorest. High-income countries have the worst material footprint, with a consumption level of about 26 tonnes per person per year, when the sustainable level is about eight tonnes per person globally. Low-income countries consume about two tonnes per person per year.

The Big Tech industry contributes to environmental destruction in several ways. E-waste now accounts for five percent of all global waste, and it is growing, in large part because gadgets are built with short lifespans. Instead of designing products that can last a long time, Big Tech has lobbied to kill “right to repair” laws, which would allow consumers to get their devices repaired or buy spare parts from third parties.

What is more, Big Tech directly contributes to inequality by extracting wealth from the poor and concentrating in the hands of a few US-based executives, shareholders and highly paid professionals. At the same time, it exploits workers and often denies them safe and dignified working conditions.

Digital capitalists also encourage consumerism through ads and monetise surveillance, which is destroying privacy, with grave consequences for civil rights and liberties.

Private ownership of the means of computation – software code, infrastructure and the internet – is required to extract money for content, force ads on audiences and spy on users. If the people own and control the digital environment, they would opt to share knowledge freely, reject ads and protect their privacy.

Solutions: Tech for Extinction Rebellion

It goes without saying that any solution for the digital economy must be part and parcel of a sustainable green economy. This, in turn, requires rapid wealth and income redistribution and degrowth. It is a monumental task.

Fortunately, there are some reasonable ways forward.

First, we can phase out copyright paywalls and patents. Such a move would enjoy the support of activists in the Global South and Global North, and would make the world’s scientific and cultural knowledge available to all people, irrespective of their ability to pay. Of course, equitable information sharing and generation also requires resources to bridge the digital divide and make use of scientific knowledge.

Second, software can be placed under strong free and open-source licences, online services can be decentralised, interoperable and owned by communities, while internet infrastructure can be fully socialised as communal property. The global Free Software Movement and activist scholars have already built a preliminary foundation and framework for moving in this direction.

Third, an eco-socialist Digital Tech New Deal has to be implemented to reorient the tech economy away from profit and towards satisfying the needs of the people. This requires socialising financial, intellectual and physical property. As first steps, we could impose heavy taxes on the rich to fund a global digital commons, produce plans to phase out private ownership of information and the means of computation, support workers and mandate economic redistribution to the global poor, and build a privacy-by-design tech ecosystem. All of this must be done within the confines of a sustainable economy.

These solutions need to be part of the global movement for wealth redistribution, reparations, and democratisation. In South Africa, we are building a People’s Tech for People’s Power movement to drive this agenda forward, through popular education and the formation of solidarity networks to launch actions against Big Tech and digital capitalism.

There already is a good historical precedent for global action against Big Tech. During South Africa’s apartheid era, people around the world initiated boycotts, divestment and sanctions (BDS) against corporations like IBM and Hewlett-Packard, which aided and abetted the apartheid state and businesses.

US corporations, in response, pushed a reformist agenda called the Sullivan Principles said to improve racial equality for workers. But anti-apartheid activists rejected the move as corporate propaganda designed to manufacture consent while US corporations continued to profit from apartheid misery.

Today, the US resembles the South African apartheid state, but on a global scale. Its high-tech military projects power across the world, its diplomats impose strong intellectual property protections at the World Trade Organization, its imperialist anti-immigrant policies control the movement of people and capital, and its tech corporations dominate nearly every industry vertical outside of mainland China, all while creating a global police state.

We do not need 21st century Sullivan Principles to save digital capitalism. We need digital socialism, reparations and democratisation of tech for a global green economy. This is a matter of survival for the whole human race.

#### All capitalism is racial capitalism---the system of competition the aff perpetuates cannot sustain itself without theft of indigenous land, super-exploitation of black labor, imperial extraction, and racist devaluation of ‘disposable populations.’

\*2 point font and paragraph merging for readability.

\*\*Footnote 14 is inserted below the paragraph it’s cited in, other footnotes excluded for readability.

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

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

My operationalization of capitalism follows Oliver Cromwell Cox’s explication in Capitalism and American Leadership.17 Modern U.S. racial capitalism arose in the context of the First World War, when, as Cox explains, the United States took advantage of the conflict to capture the markets of South America, Asia, and Africa for its “over-expanded capacity.”18 Cox further expounds upon this auspicious moment of ascendant modern U.S. racial capitalism thus: By 1914, the United States had brought its superb natural resources within reach of intensive exploitation. Under the stimulus of its foreign-trade outlets, the financial assistance of the older capitalist nations, and a flexible system of protective tariffs, the nation developed a magnificent work of transportation and communication so that its mines, factories, and farms became integrated into an effectively producing organism having easy access to its seaports.… [Likewise,] further internal expansion depended upon far greater emphasis on an ever widening foreign commerce.… Major entrepreneurs of the United States proceeded to step up their campaign for expansion abroad. The war accentuated this movement. It accelerated the growth of [modern] American [racial] capitalism and impressed upon its leaders as nothing had before the need for external markets.19 Relatedly, Peter James Hudson argues that the First World War fundamentally changed the terms of order of international finance, allowing New York to compete with London, Paris, and Berlin for the first time in the realm of global banking. This was not least because the Great War “drastically reordered global credit flows,” with the United States transforming from a debtor into a creditor nation.20 In addition to Latin American and Caribbean nations and businesses turning to the United States for financing and credit, domestic saving and investment patterns were altered to the benefit of imperial financial institutions like the City Bank.21 Although the United States is, to use Cox’s terminology, more a “lusty child of an already highly developed capitalism” than an exceptional capitalist power, the nation perfected its techniques of accumulation through its vast natural wealth, large domestic market, imbalance of Northern and Southern economies, and, importantly, through its lack of concern for the political and economic welfare of the overwhelming masses of its population, least of all the descendants of the enslaved.22 Modern U.S. racial capitalism is thus sustained by military expenditure, the maintenance of an extremely low standard of living in “dependent” countries, and the domestic superexploitation of Black toilers and laborers. Cox notes that Black labor has been the “chief human factor” in wealth production; as such, “the dominant economic class has always been at the motivating center of the spreads of racial antagonism. This is to be expected since the economic content of the antagonism, especially at its proliferating source in the South, has been precisely that of labor-capital relations.”23 In a general sense, racial capitalism in the United States constitutes “a peculiar variant of capitalist production” in which Blackness expresses a structural location at the bottom of the labor hierarchy characterized by depressed wages, working conditions, job opportunities, and widespread exclusion from labor unions.24 Furthermore, modern U.S. racial capitalism is rooted in the imbrication of anti-Blackness and antiradicalism. Anti-Blackness describes the reduction of Blackness to a category of abjection and subjection through narrations of absolute biological or cultural difference; ruling-class monopolization of political power; negative and derogatory mass media propaganda; the ascent of discriminatory legislation that maintains and reinscribes inequality, not least various modes of segregation; and social relations in which distrust and antipathy toward those racialized as Black is normalized and in which “interracial mass behavior involving violence assumes a continuously potential danger.”25 Anti-Blackness thus conceals the inherent contradiction of Blackness—value minus worth—obscuring and distorting its structural location by, as Ralph and Singhal remark, contorting it into only a “debilitated condition.”26 Antiradicalism can be understood as the physical and discursive repression and condemnation of anticapitalist and/or left-leaning ideas, politics, practices, and modes of organizing that are construed as subversive, seditious, and otherwise threatening to capitalist society. These include, but are not limited to, internationalism, anti-imperialism, anticolonialism, peace activism, and antisexism. Anti-Blackness and antiradicalism function as the legitimating architecture of modern U.S. racial capitalism, which includes rationalizing discourses, cultural narratives, technologies of repression, legal structures, and social practices that inform and are informed by racial capitalism’s political economy.27 Throughout the twentieth century, anti-Blackness propelled the “Black Scare,” defined as the specter of racial, social, and economic domination of superior whites by inferior Black populations. Antiradicalism, in turn, was enunciated through the “Red Scare,” understood as the threat of communist takeover, infiltration, and disruption of the American way of life.28 For example, in the 1919 Justice Department Report, Radicalism and Sedition Among the Negroes, As Reflected in Their Publications, it was asserted that the radical antigovernment stance of a certain class of Negroes was manifested in their “ill-governed reaction toward race rioting,” “threat of retaliatory measures in connection with lynching,” open demand for social equality, identification with the Industrial Workers of the World (IWW), and “outspoken advocacy of the Bolshevik or Soviet doctrine.”29 Here, anti-Blackness, articulated through the fear of the “assertion of race consciousness,” was attached to the IWW and Bolshevism—in other words, to anticapitalism—to make it appear even more subversive and dangerous. Likewise, antiradicalism, expressed through the denigration of the IWW and Soviet Doctrine, was made to seem all the more threatening and antithetical to the social order in its linkage with Black insistence on equality and self-defense against racial terrorism. In this way, “defiance and insolently race-centered condemnation of the white race” and “the Negro seeing red” came to be understood as seditious in the context of modern U.S. racial capitalism. The link between my theory of modern U.S. racial capitalism and Robinson’s catholic theory of racial capitalism, beyond his “suggest[ion] that it was there,” is vivified through the prison abolitionist and scholar Ruth Wilson Gilmore, who writes: “Capitalism…[is] never not racial.… Racial capitalism: a mode of production developed in agriculture, improved by enclosure in the Old World, and captive land and labor in the Americas, perfected in slavery’s time-motion, field factory choreography, its imperative forged on the anvils of imperial war-making monarchs.”30 Racial capitalism, she continues, “requires all kinds of scheming, including hard work by elites and their compradors in the overlapping and interlocking space-economies of the planet’s surface. They build and dismantle and reconfigure states, moving capacity into and out of the public realm. And they think very hard about money on the move.”31 Perhaps more than Gilmore, though, my approach aligns with that of Neville Alexander as described by Hudson.32 Like Alexander, who focused on South Africa, I offer a particularistic understanding of racial capitalism, mine being rooted in the political economy of Blackness and the legitimating architectures of anti-Blackness and antiradicalism in the United States. Gilmore qua Robinson offers a more universalist and transhistorical conception. Like Alexander, my theory of modern U.S. racial capitalism is primarily rooted in (Black) Marxist-Leninists and fellow travelers. This is an important epistemological distinction: whereas Robinson finds Marxism-Leninism to be, at best, inattentive to race, my theory of modern U.S. racial capitalism is rooted in the work of Black freedom fighters who, as Marxist-Leninists, were able to offer potent and enduring analyses and critiques of the conjunctural entanglements of racialism, white supremacy, and anti-Blackness, on the one hand, and capitalist exploitation and class antagonism on the other hand.33 Although Robinson draws on scholars like Fernand Braudel, Henri Pirenne, David Brion Davis, and Eli Heckscher to understand European history, socialist theory, and the European working class, the work of Black Marxists like James Ford, Walter Rodney, Amílcar Cabral, and Paul Robeson offer me those same intellectual, historical, and theoretical resources. Finally, I agree with Alexander that the resolution to racial capitalism is antiracist socialism, not a cultural-metaphysical Black radical tradition. In what remains of this essay, I will draw on the work of Black Marxist-Leninists and anticapitalists to explicate the defining features of modern U.S. racial capitalism—war and militarism, imperialist accumulation, expropriation by domination, labor superexploitation, and property by dispossession. In this, I demonstrate that their critiques and analyses offer a blueprint for theorizing modern U.S. racial capitalism. War and militarism facilitate the endless drive for profit. Military conflicts between imperial powers result in the reapportioning of boundaries, possessions, and spheres of influence that often exacerbate racial and spatial economic subjection. War and militarism also perpetuate the endless construction of “threats,” primarily in racialized and socialist states, against which to defend progress, prosperity, freedom, and security. The manufacturing of conflict legitimates the mobilization of extraordinary violence to expropriate untold resources that produce relations of underdevelopment, dependency, extraversion, and disarticulation in the Global South. Moreover, the ruling elite and labor aristocracy in imperialist countries, not least the United States, wage perpetual war to defend their way of life and standard of living against the racialized majority who, because they would benefit most from the redistribution of the world’s wealth and resources, represent a perpetual threat. Here, Du Bois’s 1915 essay, “The African Roots of War,” is instructive.34 Though he does not directly analyze the United States, he nonetheless demonstrates how racism, white supremacy, and the plunder of Africa underpinned the capitalist imperialist war that engulfed the world from July 1914 to November 1918—a war that catapulted the United States into the center of the capitalist world system. Using Du Bois’s own words, Hubert Harrison, the father of Harlem radicalism, makes the direct link: But since every industrial nation is seeking the same outlet for its products, clashes are inevitable and in these clashes beaks and claws—armies and navies—must come into play. Hence beaks and claws must be provided beforehand against the day of conflict, and hence the exploitation of white men in Europe and America becomes the reason for the exploitation of black and brown and yellow men in African and Asia. And, therefore, it is hypocritical and absurd to pretend that the capitalist nations can ever intend to abolish wars.… For white folk to insist upon the right to manage their own ancestral lands, free from the domination of tyrants, domestic and foreign, is variously described as “democracy” and “self-determination.” For Negroes, Egyptians and Hindus to seek the same thing is impudence.… Truly has it been said that “the problem of the 20th century is the problem of the ‘Color Line.'” And wars are not likely to end; in fact, they are likely to be wider and more terrible—so long as this theory of white domination seeks to hold down the majority of the world’s people under the iron heel of racial oppression.35 For Du Bois, the imperialist rivalry for the booty on offer in Africa drove Berlin’s efforts to consolidate its place in the sun by displacing London in particular. While Vladimir Lenin understood that “the war [was] a product of half a century of development of world capitalism and of billions of threads and connections,” Du Bois expanded this analysis by providing a critique of the racial foundations of capitalist expansion.36 He held that the struggle to the death during the Great War for African resources and labor had begun to “pay dividends” centuries earlier through the enslavement of African peoples, the subsequent conflation of color and inferiority, and the reduction of what was routinely referred to as the “Dark Continent” to a space of backwardness ideally suited for dispossession. He further noted that “with the waning possibility of Big Fortune…at home, arose more magnificently the dream of exploitation abroad,” especially in Africa—a dream shared by white labor and the ruling class.37 In other words, this “democratic despotism” allowed for the white working class to “share the spoil of exploiting ‘chinks and niggers,'” and facilitated the creation of “a new democratic nation composed of united capital and labor” that perpetuated racial capitalism across class lines.38 Moreover, this national unity was strengthened through the disrespect and dehumanization of the racialized toilers and peasants in the plundered colonies that mitigated the exploitation and impoverishment of the white working class in imperial countries. This superexploitation allowed white workers to get a share, however pitiful, of “wealth, power, and luxury…on a scale the world never saw before” and to benefit from the “new wealth” accumulated from the “darker nations of the world” through cross-class consent “for governance by white folk and economic subjection to them”—a consensus solidified through the doctrine of “the natural inferiority of most men to the few.”39 Given the entanglement of racialization and capitalist exploitation, Du Bois averred, “Racial slander must go. Racial prejudice will follow…the domination of one people by another without the other’s consent, be the subject people black or white, must stop. The doctrine of forcible economic expansion over subject people must go.” Insofar as this admonishment applied as much to the United States as to European imperialists, beyond the international proletariat, it was the darker peoples and nations of the world who would challenge racial capitalism, not least “the twenty-five million grandchildren of the European slave trade…and first of all the ten million black folk in the United States.”40

Imperialist accumulation denotes the rapacious conscription of resources and labor for the purpose of superprofits through violent means that are generally reserved for populations deemed racially inferior. On the precipice of the Great Depression, the prominent Black communist James Ford beautifully explicated imperialist accumulation. In his 1929 report on the Second World Congress of the League Against Imperialism, he explained that the extant political economy constituted the consolidation of Africa’s partition and the “complete enslavement of its people”; the arresting of its industrialization, which hindered the development of the “toiling masses”; and the relegation of the continent to a source of raw material, a market for European goods, and a dumping ground for accumulated surplus capital. In the U.S. South, the Black poor were dehumanized by Wall Street, “white big business,” and the “rising Negro bourgeoisie” whose condition of possibility was the subjection of the Black working class. This oppression was exacerbated by rigid racial barriers, disenfranchisement, and lynching. Ford further argued that the West Indies, subjected to U.S. militarism and occupation on behalf of Wall Street, were largely transformed into a marketplace for U.S. goods. Moreover, throughout Africa, the U.S. South, and the Caribbean, Black workers were impressed into forced labor, laying railroads, building roads and bridges, and working in mines; were entrapped on plantations through peonage; and were subjected to convict leasing. In addition, they suffered intolerable working conditions and routinized violence.41

Expropriation by domination designates the seizure and confiscation of land, assets, property, bodies, and other sources of material wealth set to work by relations of economic dependence. This relationship exists both between nations and between groups. A quintessential enunciation of expropriation by domination between groups is We Charge Genocide: The Historic Petition to the United Nations for Relief from a Crime of the United States Government Against the Negro People, edited by the Black Communist William Patterson (with significant help from his wife and comrade Louise Thompson Patterson) and submitted to the United Nations by the Civil Rights Congress in 1951.42 The petition meticulously documented the past and present expropriation of Black people by the ruling class of modern U.S. racial capitalism through consistent and persistent discrimination in employment, unfair wages, forced ghettoization, inequitable and inferior accommodation and services, and the denial of justice in the courts. It further argued that this process was sustained by genocidal terror, white supremacist law, and the drive of monopoly capitalists for superprofits. Importantly, We Charge Genocide noted that, for primarily economic reasons, the historical and geographical locus of anti-Black genocide was the “Black Belt” of the Southern United States, a region expropriated by the Northern industrial capitalists and by Southern landowners alike. This was due in large part to plantation systems of sharecropping and peonage—legacies of slavery—in which Black political and economic rights were virtually nonexistent, Black laborers were inexorably tied to the land through debt, and the threat of violence and death precluded demands for justice. For Patterson, such expropriation by domination was the basis of “racist contamination that has spread throughout the United States.”43 We Charge Genocide further conveyed that expropriation by domination, a central element of modern U.S. racial capitalism, was more than a domestic concern because such practices “at home must inevitably create racist commodities for export abroad—must inevitably tend toward war.”44

Labor superexploitation can be understood as an economic relationship in which the intensity, form, and racial basis of exploitation differs little from slavery. Its effects are so extreme that it pushes racialized, particularly Black, labor effectively below the level of sheer physical subsistence. As Harrison explained, in the context of modern U.S. racial capitalism, Black workers “form a group that is more essentially proletarian than any other American group” because enslaved Africans were brought to the “new world” to be ruthlessly exploited. This reality fixed their social status as the most despised group, which in turn intensified their subjection.45 Likewise, organizations like the American Negro Labor Congress and the Anti-Imperialist League analyzed that the racial capitalist superexploitation of Black nations like Haiti in the first quarter of the twentieth century for the purposes of consolidating Wall Street control over land, commercial relations, and production was accompanied by the brutalization of Black labor, the export of Jim Crow practices, military occupation, and political repression.46 In effect, superexploitation results from the conjuncture of white supremacy, racialization, and the “badge of slavery,” which exacerbates the conditions of exploitation to which white working classes are subjected. As the Black Marxist Harry Haywood argued in 1948, “the stifling effects of the race factor are most strikingly illustrated by the drastic differences in the economic and cultural status of Negroes and whites.… Beyond all doubt, the oppression of the Negro, which is the basis of the degradation of the ‘poor whites,’ is of separate character demanding a special approach.”47 Superexploitation, he explained further, constitutes a combination of direct exploitation, outright robbery, physical violence, legal coercion, and perpetual indebtedness. It stifles “the free economic and cultural development” of the Black masses “through racist persecution as a basic condition for maintaining” virtual enslavement.48

The entrapment of Black women in domestic labor throughout the twentieth century—a function of their “triple oppression”—is perhaps the most glaring example of labor superexploitation under modern U.S. racial capitalism. In 1936, the lifelong Black radical Louise Thompson explained that Black women’s superexploitation in the capitalist mode of production was based on their race, sex, and subordination in the labor market.49 That same year, Black militants Marvel Cooke and Ella Baker published an article titled “The Bronx Slave Market” in which they studied triple oppression as it related to Black domestic workers. Cooke and Baker explained that the entanglements of racism, sex-based labor subordination, and structural poverty were deeply intensified by the Great Depression and forced Black domestic workers to pauperize their labor for the abysmal wage of less than thirty cents an hour. This form of labor exploitation was unique to the female sex because domestic work was conventional “women’s work,” and it was racialized insofar as the denigration of Black people fitted this group of women for low-wage, unprotected, and contingent labor.50

#### Capitalism causes extinction---the only alternative is an international workers organization led by the Global South.

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Any serious treatment of the renewal of socialism today must begin with capitalism’s creative destruction of the bases of all social existence. Since the late 1980s, the world has been engulfed in an epoch of catastrophe capitalism, defined as the accumulation of imminent catastrophe on every side due to the unintended consequences of “the juggernaut of capital.”1 Catastrophe capitalism in this sense is manifested today in the convergence of (1) the planetary ecological crisis, (2) the global epidemiological crisis, and (3) the unending world economic crisis.2 Added to this are the main features of today’s “empire of chaos,” including the extreme system of imperialist exploitation unleashed by global commodity chains; the demise of the relatively stable liberal-democratic state with the rise of neoliberalism and neofascism; and the emergence of a new age of global hegemonic instability accompanied by increased dangers of unlimited war.3

The climate crisis represents what the world scientific consensus refers to as a “no analogue” situation, such that if net carbon emissions from fossil fuel combustion do not reach zero in the next few decades, it will threaten the very existence of industrial civilization and ultimately human survival.4 Nevertheless, the existential crisis is not limited to climate change, but extends to the crossing of other planetary boundaries that together define the global ecological rift in the Earth System as a safe place for humanity. These include: (1) ocean acidification; (2) species extinction (and loss of genetic diversity); (3) destruction of forest ecosystems; (4) loss of fresh water; (5) disruption of the nitrogen and phosphorus cycles; (6) the rapid spread of toxic agents (including radionuclides); and (7) the uncontrolled proliferation of genetically modified organisms.5

This rupturing of planetary boundaries is intrinsic to the system of capital accumulation that recognizes no insurmountable barriers to its unlimited, exponential quantitative advance. Hence, there is no exit from the current capitalist destruction of the overall social and natural conditions of existence that does not require exiting capitalism itself. What is essential is the creation of what István Mészáros in Beyond Capital called a new system of “social metabolic reproduction.”6 This points to socialism as the heir apparent to capitalism in the twenty-first century, but conceived in ways that critically challenge the theory and practice of socialism as it existed in the twentieth century.

The Polarization of the Class System

In the United States, key sectors of monopoly-finance capital have now succeeded in mobilizing elements of the primarily white lower-middle class in the form of a nationalist, racist, misogynist ideology. The result is a nascent neofascist political-class formation, capitalizing on the long history of structural racism arising out of the legacies of slavery, settler colonialism, and global militarism/imperialism. This burgeoning neofascism’s relation to the already existing neoliberal political formation is that of “enemy brothers” characterized by a fierce jockeying for power coupled with a common repression of the working class.7 It is these conditions that have formed the basis of the rise of the New York real-estate mogul and billionaire Donald Trump as the leader of the so-called radical right, leading to the imposition of right-wing policies and a new authoritarian capitalist regime.8 Even if the neoliberal faction of the ruling class wins out in the coming presidential election, ousting Trump and replacing him with Joe Biden, a neoliberal-neofascist alliance, reflecting the internal necessity of the capitalist class, will likely continue to form the basis of state power under monopoly-finance capital.

Appearing simultaneously with this new reactionary political formation in the United States is a resurgent movement for socialism, based in the working-class majority and dissident intellectuals. The demise of U.S. hegemony within the world economy, accelerated by the globalization of production, has undermined the former, imperial-based labor aristocracy among certain privileged sections of the working class, leading to a resurgence of socialism.9 Confronted with what Michael D. Yates has called “the Great Inequality,” the mass of the population in the United States, particularly youth, are faced with rapidly diminishing prospects, finding themselves in a state of uncertainty and often despair, marked by a dramatic increase in “deaths of despair.”10 They are increasingly alienated from a capitalist system that offers them no hope and are attracted to socialism as the only genuine alternative.11 Although the U.S. situation is unique, similar objective forces propelling a resurgence of socialist movements are occurring elsewhere in the system, primarily in the Global South, in an era of continuing economic stagnation, financialization, and universal ecological decline.

But if socialism is seemingly on the rise again in the context of the structural crisis of capital and increased class polarization, the question is: What kind of socialism? In what ways does socialism for the twenty-first century differ from socialism of the twentieth century? Much of what is being referred to as socialism in the United States and elsewhere is of the social-democratic variety, seeking an alliance with left-liberals and thus the existing order, in a vain attempt to make capitalism work better through the promotion of social regulation and social welfare in direct opposition to neoliberalism, but at a time when neoliberalism is itself giving way to neofascism.12 Such movements are bound to fail at the outset in the present historical context, inevitably betraying the hopes that they unleashed, since focused on mere electoral democracy. Fortunately, we are also seeing the growth today of a genuine socialism, evident in extra-electoral struggle, heightened mass action, and the call to go beyond the parameters of the present system so as to reconstitute society as whole.

The general unrest latent at the base of U.S. society was manifested in the uprisings in late May and June of this year, which took the form, practically unheard of in U.S. history since the U.S. Civil War, of massive solidarity protests with millions of people in the streets, and with the white working class, and white youth in particular, crossing the color line *en masse* in response to the police lynching of George Floyd for no other crime than being a Black man.13 This event, coming in the midst of the COVID-19 pandemic and the related economic depression, led to the June days of rage in the United States.

But while the movement toward socialism, now taking hold even in the United States at the “barbaric heart” of the system, is gaining ground as a result of objective forces, it lacks an adequate subjective basis.14 A major obstacle in formulating strategic goals of socialism in the world today has to do with twentieth-century socialism’s abandonment of its own ideals as originally articulated in Karl Marx’s vision of communism. To understand this problem, it is necessary to go beyond recent left attempts to address the meaning of communism on a philosophical basis, a question that has led in the last decade to abstract treatments of The Communist Idea, The Communist Hypothesis, and The Communist Horizon by Alain Badiou and others.15 Rather, a more concrete historically based starting point is necessary, focusing directly on the two-phase theory of socialist/communist development that emerged out of Marx’s Critique of the Gotha Programme and V. I. Lenin’s The State and Revolution. Paul M. Sweezy’s article “Communism as an Ideal,” published more than half a century ago in Monthly Review in October 1963, is now a classic text in this regard.16

Marx’s Communism as the Socialist Ideal

In The Critique of the Gotha Programme—written in opposition to the economistic and laborist notions of the branch of German Social Democracy influenced by Ferdinand Lassalle—Marx designated two historical “phases” in the struggle to create a society of associated producers. The first phase was initiated by the “revolutionary dictatorship of the proletariat,” reflecting the class-war experience of the Paris Commune and representing a period of workers’ democracy, but one that still carried the “defects” of capitalist class society. In this initial phase, not only would a break with capitalist private property take place, but also a break with the capitalist state as the political command structure of capitalism.17 As a measure of the limited nature of socialist transition in this stage, production and distribution would inevitably take the form of to each according to one’s labor, perpetuating conditions of inequality even while creating the conditions for their transcendence. In contrast, in the later phase, the principle governing society would shift to from each according to one’s ability, to each according to one’s need and the elimination of the wage system.18 Likewise, while the initial phase of socialism/communism would require the formation of a new political command structure in the revolutionary period, the goal in the higher phase was the withering away of the state as a separate apparatus standing above and in antagonistic relation to society, to be replaced with a form of political organization that Frederick Engels referred to as “community,” associated with a communally based form of production.19

In the later, higher phase of the transition of socialism/communism, not only would property be collectively owned and controlled, but the constitutive cells of society would be reconstituted on a communal basis and production would be in the hands of the associated producers. In these conditions, Marx stated, “labor” will have become not a mere “means of life” but “itself…the prime necessity of life.”20 Production would be directed at use values rather than exchange values, in line with a society in which “the free development of each” would be “the condition for the free development of all.” The abolition of capitalist class society and the creation of a society of associated producers would lead to the end of class exploitation, along with the elimination of the divisions between mental and manual labor and between town and country. The monogamous, patriarchal family based on the domestic enslavement of women would also be surmounted.21 Fundamental to Marx’s picture of the higher phase of the society of associated producers was a new social metabolism of humanity and the earth. In his most general statement on the material conditions governing the new society, he wrote: “Freedom, in this sphere [the realm of natural necessity], can consist only in this, that socialized man, the associated producers, govern the human metabolism of nature in a rational way…accomplishing it with the least expenditure of energy” in the process of promoting conditions of sustainable human development.22

Writing in The State and Revolution and elsewhere, Lenin deftly captured Marx’s arguments on the lower and higher phases, depicting these as the first and second phases of communism. Lenin went on to emphasize what he called “the scientific distinction between socialism and communism,” whereby “what is usually called socialism was termed by Marx the ‘first,’ or lower phase of communist society,” whereas the term communism, meaning “complete communism,” was most appropriately used for the higher phase.23 Although Lenin closely aligned this distinction with Marx’s analysis, in later official Marxism this came to be rigidified in terms of two entirely separate stages, with the so-called communist stage so removed from the stage of socialism that it became utopianized, no longer seen as part of a continuous or ongoing struggle. Based on a wooden conception of the socialist stage and the intermediary principle of distribution to each according to one’s labor, Joseph Stalin carried out an ideological war against the ideal of real equality, which he characterized as a “reactionary, petty-bourgeois absurdity worthy of a primitive sect of ascetics but not of a socialist society organized on Marxist lines.” This same stance was to persist in the Soviet Union in one way or another all the way to Mikhail Gorbachev.24

Hence, as explained by Michael Lebowitz in The Socialist Imperative, “rather than a continuous struggle to go beyond what Marx called the ‘defects’ inherited from capitalist society, the standard interpretation” of Marxism in the half-century from the late 1930s to the late ’80s “introduced a division of post-capitalist society into two distinct ‘stages,’” determined economistically by the level of development of the productive forces. Fundamental changes in social relations emphasized by Marx as the very essence of the socialist path were abandoned in the process of living with and adapting to the defects carried over from capitalist society. Instead, Marx had insisted on a project aimed at building the community of associated producers “from the outset” as part of an ongoing, if necessarily uneven, process of socialist construction.25

This abandonment of the socialist ideal associated with Marx’s higher phase of communism was wrapped up in a complex way with changing material (and class) conditions and eventually the demise of Soviet-type societies, which tended to stagnate once they ceased to be revolutionary and even resurrected class forms, heralding their eventual collapse as the new class or nomenklatura abandoned the system. As Sweezy argued in 1971, “state ownership and planning are not enough to define a viable socialism, one immune to the threat of retrogression and capable of moving forward on the second leg of the movement to communism.” Something more was needed: the continuous struggle to create a society of equals.26

For Marx, the movement toward a society of associated producers was the very essence of the socialist path embedded in “communist consciousness.”27 Yet, once socialism came to be defined in more restrictive, economistic terms, particularly in the Soviet Union from the late 1930s onward, in which substantial inequality was defended, post-revolutionary society lost the vital connection to the dual struggle for freedom and necessity, and hence became disconnected from the long-term goals of socialism from which it had formerly derived its meaning and coherence.

Based on this experience, it is evident that the only way to build socialism in the twenty-first century is to embrace precisely those aspects of the socialist/communist ideal that allow a theory and practice radical enough to address the urgent needs of the present, while also not losing sight of the needs of the future. If the planetary ecological crisis has taught us anything, it is that what is required is a new social metabolism with the earth, a society of ecological sustainability and substantive equality. This can be seen in the extraordinary achievements of Cuban ecology, as recently shown by Mauricio Betancourt in “The Effect of Cuban Agroecology in Mitigating the Metabolic Rift” in Global Environmental Change.28 This conforms to what Georg Lukács called the necessary “double transformation” of human social relations and the human relations to nature.29 Such an emancipatory project must necessarily pass through various revolutionary phases, which cannot be predicted in advance. Yet, to be successful, a revolution must seek to make itself irreversible through the promotion of an organic system directed at genuine human needs, rooted in substantive equality and the rational regulation of the human social metabolism with nature.30

Freedom as Necessity

Building on G. W. F. Hegel’s philosophy, Engels famously argued in Anti-Dühring that real freedom was grounded in the recognition of necessity. Revolutionary change was the point at which freedom and necessity met in concrete praxis. Although there was such a thing as blind necessity beyond human knowledge, once objective forces were grasped, necessity was no longer blind, but rather offered new paths for human action and freedom. Necessity and freedom fed on each other, requiring new periods of social change and historical transcendence.31 In illustrating this materialist dialectical principle, Lenin acutely observed, “we do not know the necessity of nature in the phenomena of the weather. But while we do not know this necessity, we do know that it exists.”32 We know the human relation to the weather and nature in general inevitably varies with the changing productive relations governing our actions.

Today, the knowledge of anthropogenic climate crisis and of extreme weather events is removing human beings from the realm of blind necessity and demanding that the world’s population engage in the ultimate struggle for freedom and survival against catastrophe capitalism. As Marx stated in the context of the severe metabolic rift imposed on Ireland as a result of British colonialism in the nineteenth century, the ecological crisis presents itself as a case of “ruin or revolution.”33 In the Anthropocene, the ecological rift resulting from the expansion of the capitalist economy now exists on a scale rivaling the biogeochemical cycles of the planet. However, knowledge of these objective developments also allows us to conceive the necessary revolution in the social metabolic reproduction of humanity and the earth. Viewed in this context, Marx’s crucial conception of a “community of associated producers” is not to be viewed as simply a far-off utopian conception or abstract ideal but as the very essence of the necessary human defense in the present and future, representing the insistent demand for a sustainable relation to the earth.34

But where is the agent of revolutionary change? The answer is that we are seeing the emergence of the material preconditions of what can be called a global environmental proletariat. Engels’s Condition of the Working Class in England, published in 1845, was a description and analysis of working-class conditions in Manchester, shortly after the so-called Plug Plot Riots and at the height of radical Chartism. Engels depicted the working-class environment not simply in terms of factory conditions, but much more in terms of urban developments, housing, water supply, sanitation, food and nutrition, and child development. The focus was on the general epidemiological environment enforced by capitalism (what Engels called “social murder” and what Norman Bethune later called “the second sickness”) associated with widespread morbidity and mortality, particularly due to contagious disease.35 Marx, under the direct influence of Engels and as a result of his own social epidemiological studies twenty years later while writing Capital, was to see the metabolic rift as arising not only in relation to the degradation of the soil, but equally, as he put it, in terms of “periodical epidemics” induced by society itself.36

What this tells us—and we could find many other illustrations, from the Russian and Chinese Revolutions to struggles in the Global South today—is that class struggle and revolutionary moments are the product of a coalescence of objective necessity and a demand for freedom emanating from material conditions that are not simply economic but also environmental in the broadest sense. Revolutionary situations are thus most likely to come about when a combination of economic and ecological conditions make social transformations necessary, and where social forces and relations are developed enough to make such changes possible. In this respect, looked at from a global standpoint today, the issue of the environmental proletariat overlaps with and is indistinguishable from the question of the ecological peasantry and the struggles of the Indigenous. Likewise, the struggle for environmental justice that now animates the environmental movement globally is in essence a working-class and peoples’ struggle.37

The environmental proletariat in this sense can be seen as emerging as a force all over the world, as evident in the present period of ecological-epidemiological struggle in relation to COVID-19. Yet, the main locus of revolutionary ecological action in the immediate future remains the Global South, faced with the harsh reality of “imperialism in the Anthropocene.”38 As Samir Amin observed in Modern Imperialism, Monopoly Finance Capital, and Marx’s Law of Value, the triad of the United States, Europe, and Japan is already using the planet’s bio-capacity at four times the world average, pointing toward ecological oblivion. This unsustainable level of consumption of resources in the Global North is only possible because

a good proportion of the bio-capacity of society in the South is taken up by and to the advantage of these centers [in the triad]. In other words, the current expansion of capitalism is destroying the planet and humanity. The expansion’s logical conclusion is either the actual genocide of the peoples of the South—as “overpopulation”—or, at the least, their confinement to ever-increasing poverty. An eco-fascist strand of thought is being developed which gives legitimacy to this kind of “final solution” to the problem.39

A New System of Social Metabolic Reproduction

A revolutionary process of socialist construction aimed at building a new system of social reproduction in conformity with the demands of necessity and freedom cannot occur without an overall “orienting principle” and “measure of achievement” as part of a long-term strategy. It is here, following Mészáros, that the notion of substantive equality or a society of equals, also entailing substantive democracy, comes into play in today’s struggles.40 Such an approach not only stands opposed to capital at its barbaric heart but also opposes any ultimately futile endeavor to stop halfway in the transition to socialism. Immanuel Kant spelled out the dominant liberal view shortly after the French Revolution when he stated that “the general equality of men as subjects in a state coexists quite readily with the greatest inequality in degrees of the possessions men have.… Hence, the general equality of men coexists with great inequality of specific rights of which there may be many.”41 In this way, equality came to be merely formal, existing merely “on paper” as Engels pointed out, not only with respect to the labor contract between capitalist and worker but also in relation to the marriage contract between men and women.42 Such a society establishes, as Marx demonstrated, a “right of inequality, in its content, like every right.”43 The idea of substantive equality, consistent with Marx’s notion of communism, challenges all of this. It demands a change in the constitutive cells of society, which can no longer consist of possessive individualists, or individual capitals, reinforced by a hierarchical state, but must be based on the associated producers and a communal state. Genuine planning and genuine democracy can only start through the constitution of power from the bottom of society. It is only in this way that revolutions become irreversible.

It was the explicit recognition of the challenge and burden of twenty-first-century socialism in these terms that represented the extraordinary threat to the prevailing order constituted by the Venezuelan Revolution led by Hugo Chávez. The Bolivarian Republic challenged capitalism from within through the creation of communal power and popular protagonism, generating a notion of revolution as the creation of an organic society, or a new social metabolic order. Chávez, building on the analyses of Marx and Mészáros, mediated by Lebowitz, introduced the notion of “the elementary triangle of socialism,” or (1) social ownership, (2) social production organized by workers, and (3) satisfaction of communal needs.44 Underlying this was a struggle for substantive equality, abolishing the inequalities of the color line and the gender line, the imperial line, and other lines of oppression, as the essential basis for eliminating the society of unequals.

In “Communism as an Ideal,” Sweezy emphasized the new forms of labor that would necessarily come into being in a society that used abundant human productivity more rationally. Many categories of work, he indicated, would “be eliminated altogether (e.g. coalmining and domestic service), and insofar as possible all jobs must become interesting and creative as only a few are today.” The reduction of the enormous waste and destruction inherent in capitalist production and consumption would open up space for the employment of disposable time in more creative ways.

In a society of equals—one in which everyone stands in the same relation to the means of production and has the same obligation to work and serve the common welfare—all “needs” that emphasize the superiority of the few and involve the subservience of the many will simply disappear and will be replaced by the needs of liberated human beings living together in mutual respect and cooperation.… Society and the human beings who compose it constitute a dialectical whole: neither can change without changing the other. And communism as an ideal comprises a new society and a new [human being].45

More than simply an ideal, such an organizing principle in which substantive equality and substantive democracy are foremost in the conception of socialism/communism is essential not only to create a socialist path to a better future but as a necessary defense of the global population confronted with the question of survival. Dystopian books and novels notwithstanding, it is impossible to imagine the level of environmental catastrophe that will face the world’s peoples, especially those at the bottom of the imperialist hierarchy, if capitalism’s creative destruction of the metabolism of humanity and the earth is not stopped mid–century.

According to a 2020 article on “The Future of the Human Climate Niche” in the Proceedings of the National Academy of Sciences, based on existing trends, 3.5 billion people are projected to be living in unlivable heat outside the human climate niche by 2070, under conditions comparable to those of the Sahara desert.46 Even such projections fail to capture the enormous level of destruction that will fall on the majority of humanity under capitalist business as usual. The only answer is to leave the burning house and to build another now.47

The International of Workers and Peoples

Although untold numbers of people are engaged in innumerable struggles against the capitalist juggernaut in their specific localities all around the world, struggles for substantive equality, including battles over race, gender, and class, depend on the fight against imperialism at the global level. Hence, there is a need for a new global organization of workers based on the model of Marx’s First International.48 Such an International for the twenty-first century cannot simply consist of a group of elite intellectuals from the North engaged in World Social Forum-like discussion activities or in the promotion of social-democratic regulatory reforms as in the so-called Socialist and Progressive Internationals. Rather, it needs to be constituted as a workers-based and peoples-based organization, rooted from the beginning in a strong South-South alliance so as to place the struggle against imperialism at the center of the socialist revolt against capitalism, as contemplated by figures such as Chávez and Amin.

In 2011, just prior to his final illness, Chávez was preparing, following his next election, to launch what was to be called the New International (pointedly not a Fifth International) focusing on a South-South alliance and giving a global significance to socialism in the twenty-first century. This would have extended the Bolivarian Alliance for Peoples of Our America to a global level.49 This, however, never saw the light of day due to Chávez’s rapid decline and untimely death.

Meanwhile, a separate conception grew out of the efforts of Amin, working with the World Forum for Alternatives. Amin had long contemplated a Fifth International, an idea he was still presenting as late as May 2018. But in July 2018, only a month before his death, this had been transformed into what he called an Internationale of Workers and Peoples, explicitly recognizing that a pure worker-based International that did not take into account the situation of peoples was inadequate in confronting imperialism.50 This, he stated, would be an organization, not just a movement. It would be aimed at the

alliance of all working peoples of the world and not only those qualified as representatives of the proletariat…including all wage earners of the services, peasants, farmers, and the peoples oppressed by modern capitalism. The construction must also be based on the recognition and respect of diversity, whether of parties, trade unions, or other popular organizations of struggle, guaranteeing their real independence.… In the absence of [such revolutionary] progress the world would continue to be ruled by chaos, barbarian practices, and the destruction of the earth.51

The creation of a New International cannot of course occur in a vacuum but needs to be articulated within and as a product of the building of unified mass organizations expanding at the grassroots level in conjunction with revolutionary movements and delinkings from the capitalist system all over the world. It could not occur, in Amin’s view, without new initiatives from the Global South to create broad alliances, as in the initial organized struggles associated with the Third World movement launched at the Bandung Conference in 1955, and the struggle for a New International Economic Order.52 These three elements—grassroots movements, delinking, and cross-country/cross-continent alliances—are all crucial in his conception of the anti-imperialist struggle. Today this needs to be united with the global ecological movement.

Such a universal struggle against capitalism and imperialism, Amin insisted, must be characterized by audacity and more audacity, breaking with the coordinates of the system at every point, and finding its ideal path in the principle of from each according to one’s ability, to each according to one’s need, as the very definition of human community. Today we live in a time of the perfect coincidence of the struggles for freedom and necessity, leading to a renewed struggle for freedom as necessity. The choice before us is unavoidable: ruin or revolution.

#### The alternative requires rejecting the aff and critically interrogating the neoliberal discourse of the 1AC---resisting capitalist pedagogy in educational spaces is the first step towards a broader movement away from Capitalism.

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

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

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

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

Depoliticization and the Authoritarian Turn

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

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

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

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

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

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

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

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

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

#### Next off is 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 the tech 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

#### T Prohibition

#### “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—not a declaration of illegality without inquiry

McKibben 85 (Michael D. McKibben-Vanderbilt University Law School, J.D., 1985, Vanderbilt Law Review, Associate Editor; Patrick Wilson Scholar. The Resale Price Maintenance Compromise: A Presumption of Illegality, 38 Vanderbilt Law Review 163 (1985), Available at: <https://scholarship.law.vanderbilt.edu/vlr/vol38/iss1/3> , date accessed 9/13/21)

In United States v. Colgate & Co." the Court developed a major exception to Dr. Miles. The Colgate doctrine allows a weak form of RPM by manufacturers or wholesalers that have attempted unilaterally to set prices.6 Although the Colgate doctrine has lost much of its vitality due to years of restrictive interpretation, in Russell Stover Candies, Inc. v. FTC7 the United States Court of Appeals for the Eighth Circuit upheld Colgate against a challenge by the Federal Trade Commission. In addition, the Supreme Court, in Monsanto Co. v. Spray-Rite Service Corp.," recently intimated new-found support for the Colgate doctrine and a possible willingness to reconsider the Dr. Miles per se prohibition against RPM.9

The outcome of vertical pricing cases under section 1 has depended upon the perceived effects of RPM on competition. Current RPM decisions, however, rest on the principles of stare decisis and, therefore, do not depend upon political and economic theories that have developed since Dr. Miles.10 Early courts denounced vertical restraints as analogous to horizontal price fixing, which courts have assumed the drafters of the Sherman Act intended to prohibit per se. 11 Later cases, however, illustrate that the analogy between vertical and horizontal trade restrictions is not analytically sound, and the Supreme Court's attempt to maintain the per se approach to RPM has led to serious theoretical and practical problems. 12

This Note explores several problems with recent RPM decisions: (1) the effect of the per se rule on producers' rights to control their marketing strategies; (2) inconsistent use of the plural action requirement as a foil for avoiding or invoking the per se rule; (3) the suppression of benign or procompetitive activities because of the rule; (4) the difficulties with free rider marketing; and (5) the obstacles to advice and planning that recent decisions have created. This Note contends that a new standard, a rebuttable presumption13 against legality, would alleviate most, if not all, problems that the inflexible per se rule causes.

A rebuttable presumption, followed by rule of reason analysis 14 [[BEGIN FOOTNOTE 14]] 14. Under the rule of reason "the factfinder weighs all of the circumstances of a case in deciding whether a restrictive practice should be prohibited as imposing an unreasonable restraint on competition." Sylvania, 433 U.S. at 49. [[END FOOTNOTE 14]] in cases in which the defendant satisfies the threshold inquiry,15 would restore certainty and intellectual honesty to RPM cases. The rebuttable presumption would eliminate the need to reconcile contrary cases and the need to consider issues that parties now must address under the rule of reason. While the rebuttable presumption does not require that courts maintain or reject the Colgate doctrine,16 this Note argues that the Court could retain Colgate but primarily rely upon the guidelines and safeguards of the rebuttable presumption. This new line of inquiry would retain the benefits of the per se rule-efficiency and certainty-and would remain flexible enough to accommodate special cases in which RPM may be beneficial to the market. In many cases, the rebuttable presumption also would save society, courts, and litigants the protracted costs of rule of reason analysis.

Part II of this Note considers major RPM cases since the early 1900s, with special focus on Russell Stover and Filco v. Amana Refrigeration, Inc.,'17 cases which protect the defendant under the Colgate doctrine. Part III analyzes the weaknesses of the per se rule and the benefits that could inure to manufacturers and the marketplace under the rebuttable presumption. Part IV examines the strengths and weaknesses of the rule of reason and offers an improved rule of reason approach as the second part of the rebuttable presumption standard. Finally, Part V outlines a suggested analysis for RPM disputes using a rebuttable presumption of illegality. Part V also considers the effects of the presumption on federal antitrust laws.

II. THE CURRENT CONTROVERSY

A. Minimum Price Restrictions in the Supreme Court

Vertical price restrictions are written or oral directives setting a price above or below which a manufacturer wishes its distributors to sell. If the manufacturer establishes a price below which a distributor should not resell a product, the manufacturer is imposing minimum price RPM. Maximum price RPM-the setting of price ceilings- and minimum RPM are per se violations of section 1 of the Sherman Act."' Nonprice vertical restrictions, however, which include primarily territorial distributorship limitations, generally are reviewed under the rule of reason. 19

1. Dr. Miles: The Per Se Rule

Dr. Miles Medical Co. v. John D. Park & Sons Co.20 is the basis of much of the current academic criticism of the Supreme Court's RPM approach.2 ' The plaintiff Dr. Miles, a medicine manufacturer, required its wholesalers and retailers to adhere to a minimum resale price schedule. The plaintiff also required its wholesalers to maintain control over the retailers' subsequent resale prices. The defendant Park & Sons, a wholesaler that refused to purchase from Dr. Miles under the minimum price contract, bought Dr. Miles' medicines from third parties and resold them below the plaintiff's price schedule. The plaintiff charged the defendant with inducing the plaintiff's distributors to breach their contracts by reselling to a price cutter.22 The Court denied the plaintiff's request for relief and held that the plaintiff's contract provision was void under common law and the Sherman Act. 3

After determining that the agreement between Dr. Miles and its vendees fulfilled the duality requirement of the Sherman Act,24 the Court found that the plaintiff's resale price schedule eliminated competition by controlling the price at which all purchasers received the product.25 The Court refused to accept the defendant's argument that producers of patented products have a right ordinary sellers do not have-the right to dictate the destiny of their products.26 The Court inquired whether the plaintiff had a right to restrain trade. The Court held that generally a right to control alienation does not exist without an agreement.2 7 Applying the common-law rule that contractual restraints on alienation must be reasonable and limited to the necessity of the circumstances, 2 the Court found that Dr. Miles' agreement did not fit any of the common forms of acceptable restraints.29

The Court's final inquiry was whether the benefits that the plaintiff gained from its pricing restrictions were entitled to more protection than the property rights that the defendants had in the medicine.30 The Court's response to this issue forms the heart of the per se rule.31 [[BEGIN FOOTNOTE 31]] 31. Per se rules prohibit certain conduct without inquiry into possible justifications for the conduct. Courts impose per se rules when the interests of judicial economy outweigh other interests. See Note, Fixing the Price Fixing Confusion: A Rule of Reason Approach, 92 YALE L.J. 706, 708 (1983). [[END FOOTNOTE 31]] Although the Court never explicitly condemned all vertical price fixing agreements, it found that the effects of the Dr. Miles scheme were the same as the effects that could result from horizontal price fixing at the dealer level. The Court, therefore, held that both kinds of price fixing were illegal.3 2 The Supreme Court's focus on the effects of the alleged violative activity, without regard to its purposes or benefits, is characteristic of other Supreme Court per se decisions. 3

The breadth of the Dr. Miles decision is still unclear.3 4 A narrow interpretation of the holding is that express contractual provisions restraining resale prices violate the Sherman Act. The decision left open many further questions, the first of which the Court answered by creating the Colgate exception.

2. The Colgate Exception

The Court's 1919 decision in United States v. Colgate & Co.35 is still difficult for courts and commentators to harmonize with the Dr. Miles rule of per se illegality.3 6 In Colgate the prosecution charged the defendant under the Sherman Act 37 with forming an illegal combination to fix resale prices among the wholesalers and retailers of the defendant's soap and toilet products.3 8 Colgate circulated price lists, along with provisions for penalties to distributors that did not adhere to the defendant's price lists. Colgate also engaged in policing activities, such as obtaining information from other distributors concerning noncomplying dealers, and requesting assurances from nonuniform pricers that they would comply with the defendant's guidelines. 39

The trial court sustained the defendant's demurrer 40 and the Supreme Court affirmed on direct appeal. The Court permitted the defendant's pricing structure based on the trial court's finding that Colgate reserved no contractual rights in the goods after their sale to dealers. Colgate could enforce the price restrictions only by later refusing to deal with wholesalers and retailers that breached their contracts.41 According to the Court, because the contracts in Dr. Miles "undertook to prevent dealers from freely exercising the right to sell," Dr. Miles was distinguishable from Colgate.42 The Court then laid out the Colgate doctrine: "In the absence of any purpose to create or maintain a monopoly, the [Sherman Act] does not restrict the long recognized right of a trader or manufacturer engaged in an entirely private business, freely to exercise his own independent discretion as to parties with whom he will deal. 43 If the Court had employed the "effects only" logic that it used in Dr. Miles, Colgate would have been an inconsequential extension of the Dr. Miles progeny. By blending the section 1 duality requirement with common-law business principles, however, the Court created an exception to the per se rule.44

3. Narrowing Colgate

The Court quickly issued three decisions reaffirming the viability of Colgate, but in increasingly narrow circumstances. 45 Less than one year after Colgate, the Court decided United States v. A. Schrader's Son, Inc.46 Schrader's Son was factually similar to Dr. Miles,47 but the district court initially held for the defendant, reasoning that Colgate implicitly had overruled Dr. Miles.48 The Supreme Court reversed, stressing that its intent in Colgate was only to preserve the manufacturer's right to announce its pricing policy and cease to do business with dealers that failed to comply. 49

Based on this narrow interpretation of Colgate, the Court extended the scope of Dr. Miles to implicit agreements that attempt to make resale rates binding, including agreements "implied from a course of dealing or other circumstances." 0 The Court contrasted Colgate's holding with situations in which "the parties are combined through agreements designed to take away dealers' control of their own affairs and thereby destroy competition." 51 This language created a major expansion of the per se rule by shifting the Court's inquiry from "contract" to the less restrictive term "agreement." The Court's characterization of implicit agreements as section 1 violations is the basis of most criticism of the per se rule.52 Schrader's Son did not resolve the open distinction between implicit agreements that derive from dealer acceptance of fixed prices and unilateral declarations of terms that originate from a manufacturer's normal course of dealing.

The Supreme Court was quick to quell rumors of Colgate's early demise. In Frey & Son, Inc. v. Cudahy Packing Co.53 the trial court instructed the jury that the plaintiff could prevail despite the lack of an express or implied agreement or objections to the seller's pricing demands.5 4 The Supreme Court held that the jury instruction was insufficient to establish the defendant's liability under section 1. 55 Despite the Court's inability to draw a clear distinction between Dr. Miles and Colgate, the Court refused to extend the per se rule to prohibit inferential agreements.

#### VOTE NEG

#### FIRST---Ground---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.

#### “Per se” is the only shot at unique links—topical affs impose rules not standards

Crane 7 Daniel A. Crane is Assistant Professor, Benjamin N. Cardozo School of Law, Yeshiva University, Rules Versus Standards in Antitrust Adjudication, 64 Wash. & Lee L. Rev. 49 (2007), https://scholarlycommons.law.wlu.edu/wlulr/vol64/iss1/3

In recent years, there has been a marked transition away from rules and toward standards in collaborative conduct cases. This occurred in an obvious way beginning in the 1970s as the Burger and then Rehnquist courts overruled Warren court precedents that had condemned a variety of business agreements as per se illegal. As common business practices such as vertical territorial allocations, 37 maximum resale price setting, 38 expulsions of members from industry associations, 39 and manufacturer acquiescence in a retailer's demand to terminate a competing retailer that was deviating from the manufacturer's MSRP40 went from the per se rule to the rule of reason, the domain of rules shrunk and the domain of standards grew. Significantly, the Court declined the Chicago School's call to move vertical restraints from per se illegality to per se legality. In State Oil, Justice O'Connor-who is also fond of balancing tests in constitutional law 4 -went out of her way to make clear that the Court was not holding "that all vertical maximum price fixing is per se lawful.' 42 Vertical restraints would still require scrutiny, but under the multi-factored rule of reason. The transition from rules to standards did not take place solely due to a juridical shift of particular business practices from one category to another. Instead, the entire judicial rhetoric of antitrust has moved in a more nuanced, standard-based direction over the past few decades. With few exceptions, 43 the courts have stopped creating new categories of per se illegal conduct, even though commercial circumstances and practices evolve over time and litigation frequently explores new areas of commercial behavior. Since the mid-1970s, the Supreme Court seems to have frozen the canon of per se illegal practices, without necessarily pushing all other behavior into rule of reason. Instead, arguably beginning with National Society of Professional Engineers v. FTC'4 in 1978, the Court adopted what later became known as the "quick look" approach. In subsequent cases like NCAA v. Board ofRegents45 and California 46 Dental Ass'n v. FTC, the Court described the quick look approach as involving an initial court determination, based on a "rudimentary understanding of economics, ' , 47 that the practice at issue has obvious anticompetitive effects, which puts the defendant to the burden of immediately putting forth a 48 procompetitive justification for the practice.

#### SECOND---Bidirectionality---rule of reason creates legally protected practices

Graglia 8 (Lino A. Graglia is the A. Dalton Cross Professor of Law at the University of Texas. “The Antitrust Revolution”, *Engage* Vol. 9, Issue 3, <https://fedsoc-cms-public.s3.amazonaws.com/update/pdf/HfSHUKp1jnxxov80FkGORMCD5eojoela0HkiRejm.pdf> , October 2008, date accessed 9/14/21)

Although Section 1 of the Sherman Act prohibits “every contract, combination…, or conspiracy, in restraint of trade,”7 it was early and necessarily—since the purpose of every contract is to restrain—decided that it prohibited only “unreasonable” restraints on trade.8 Under the resulting “Rule of Reason,” only business practices found to be net anticompetitive and without efficiency justification were (and are) illegal. Some practices, however, have been declared to be always or almost always anticompetitive and without justification—and therefore are said to be illegal per se. Because a challenged practice’s anticompetitive effects and lack of justification are typically very difficult to show—largely because they characterize few business practices—the Rule of Reason tends to become a rule of legal per se.9 The Rule of Reason means that antitrust plaintiff s will rarely win and, therefore, that few antitrust suits will be brought. Th e liberal justices of the Warren Court dealt with the “problem” by tending to declare nearly all challenged practices illegal per se.

## Case

### 1NC---Advantage 1

#### Solvency takes decades, and big firms rebound.

Fukuyama et al. 21, \*Francis, Senior Fellow at Stanford University’s Freeman Spogli Institute for International Studies. \*\*Barak Richman, Katharine T. Bartlett Professor of Law and Professor of Business Administration at Duke University School of Law. \*\*\*Ashish Goel, Professor of Management Science and Engineering at Stanford University. They are members of the Working Group on Platform Scale for Stanford University’s Program on Democracy and the Internet. (January/February 2021, "How to Save Democracy From Technology", *Foreign Affairs*, https://www.foreignaffairs.com/articles/united-states/2020-11-24/fukuyama-how-save-democracy-technology)

Another approach to checking Internet platforms’ power is to promote greater competition. If there were a multiplicity of platforms, none would have the dominance enjoyed by Facebook and Google today. The problem, however, is that neither the United States nor the EU could likely break up Facebook or Google the way that Standard Oil and AT&T were broken up. Today’s technology companies would fiercely resist such an attempt, and even if they eventually lost, the process of breaking them up would take years, if not decades, to complete. Perhaps more important, it is not clear that breaking up Facebook, for example, would solve the underlying problem. There is a very good chance that a baby Facebook created by such a breakup would quickly grow to replace the parent. Even AT&T regained its dominance after being broken up in the 1980s. Social media’s rapid scalability would make that happen even faster.

#### Capitalism makes inequality inevitable and anti-trust will only make it worse — anti-trust intrinsically serves the interest of capital by upholding competition and capitalist ideology through government structures controlled by corporate lobbying and corruption.

-Turns democracy and inequality

Curran 16, The Antitrust Bulletin, Wexford, PA, USA (William, Commitment and Betrayal: Contradictions in American Democracy, Capitalism, and Antitrust Laws, *The Antitrust Bulletin*, 2016, 61(2), 236-255, DOI:10.1177/0003603X16641235)

2. The Myth and Antitrust Laws Over the last thirty-five years, Congress and both Democratic and Republican administrations have installed policies that favor individual wealth creation and preservation.59 And the policies have worked—obviously.60 Less obvious, perhaps, is what we have just learned here—that the design of the interpretation and enforcement of Sherman and Clayton Acts promotes wealth’s maldistribution.61 Of course, then, the antitrust laws are antidemocratic.62 The Sherman Act was thought to be a check against monopolizations, against corporations growing into monopolies through monopolistic practices, while the Clayton Act was believed to check corporate acquisitions and mergers that tended to lessen competition or create a monopoly.63 Now it is wealth that matters most. It is antitrust’s goal.64 And it remains its goal even as wealth’s gross maldistribution ranks America with some of the world’s most unequal societies65—a very grim but rarely spoken about truth.66 But was antitrust ever important to America’s democracy?67 Antitrust enforcement has long been a charade—isolated and irrelevant.68 Monopolization and merger cases are filed infrequently.69 Neither the Sherman nor Clayton Acts has controlled corporate size.70 Clayton Act enforcement sanctions global mergers,71 while Sherman Act enforcement accommodates large corporations.72 Antitrust enforcement proceeds in the limited instances that market competition has been injured.73 Markets are geographic areas within which corporations engage in head-to-head competition,74 such as the street corners where a hypothetically merging BP and Exxon Mobil would compete against each other in selling petroleum, or where an alleged monopolist may have acquired a substantial market share. If a corporation lacked market power—to raise prices or reduce production—it was incapable of monopolizing or acquiring or merging with another corporation illegally. Of course, the focus on prices and quantities would always be in markets, where anticompetitive and possibly illegal conduct might occur—like the street corners where BP’s and Exxon Mobil’s service stations compete head-to-head. That these two petroleum titans operate globally, not just on corners serving motorists, would be minimized. Enforcement agency approval of past significant mergers between large petroleum producers—such as Exxon’s merger with Mobil75—illustrates the absurdity of localizing antitrust enforcement while putting pieces of Standard Oil’s 1911 busted trust together again.76 Corporations and the 20-percenters must surely give their daily gratitude to Professor (and Supreme Court nominee) Robert Bork.77 Democracy has been effectively traded for wealth—as Bork’s consumer welfare designed it.78 Why doesn’t America’s wealth extremes—approaching that of dictatorships and democratically failed nations79—arouse more democratic passion? The 2016 Democratic presidential campaign has taken aim at several antidemocratic targets.80 Large corporations are one. They have grown mightily.81 Their size, power, and trillions in wealth have made some Americans very rich. The top 20% now owns 90% of the nation’s financial wealth.82 They enjoy an exclusive corporate wealth distribution. And although Bork’s design remains antitrust’s principal concept, it is pure fantasy—competitive markets, as economists would define them, do not really exist.83 Wealth’s inequality has become a reality,84 persistent and dangerous,85 while antitrust enforcement has become that charade of isolated and irrelevant democratic importance. Yes, large corporations and the 20% are fortunate to have had Bork—as are the law professors who keep his vigil.86 Bork, according to one law professor, has had the single most lasting influence on antitrust law and policy of anyone in the past 50 years. To read the 1978 Antitrust Paradox today, one is struck by how closely contemporary case law tracks Bork’s policy prescriptions.… Bork created a unified goal for antitrust based on a “consumer welfare prescription” to shape the development of the case law.… [M]any of Bork’s ideas are mainstream now.…87 One professor visualized Bork nearly killing antitrust as the populism of the Warren Court threatened to turn into Woodstock antitrust in the 1970s, with Congress contemplating legislation to deconcentrate oligopolies and put caps on corporate growth, and with the federal enforcement agencies getting expansive “fairness” authority, pursuing shared monopoly theories, and bringing monopolization litigation against major high technology firms, [while] Bork was honing the case against antitrust.…88 Bork emerged victorious. The hugely unequal wealth of oligopolies, monopolies, and those fortunate 20-percenters who own and invest in them, won with him. A democratically shared wealth lost. Bork would have been unmoved. He disdained ethical questions.89 Who or what was to prosper was not for him to answer or antitrust laws to resolve. Antitrust, in his view, has nothing to say about the way prosperity is distributed.90 That it is for other laws, was his indulgent ethical stance.91 And if Bork had nothing for antitrust to say, the already wealthy have ended up with most of the nation’s riches. Coincidence? No. Bork wanted the nation to preserve opportunities for even more wealth.92 He wanted wealth protected from any attempts at egalitarianism,93 finding “no prospect either in antitrust or in society generally that … [egalitarianism] will be achieved.”94 So the nation should avoid the investment, is what he would likely have held. If his mind was fixed, his investment choices were false. A democratic nation need not choose between all-out wealth with its huge disparities and full-scale egalitarianism with its significant losses in efficiency. Bork was never nuanced. One always knew where he stood and what he wanted. So his failure to search the accommodating middle between polar extremes was conspicuous. He never liked democracy, its plausible outcomes, or its search to accommodate societal needs. He would not likely give an inch. Wealth remained Bork’s first and principal interest.95 Consequently, he avoided nuance to protect wealth. But against what threat must be asked. It was against any compromise by society that might inch toward equality. He should not have worried. Compromise would not result in miles frighteningly lost in efficiency.96 A few inches will only begin the backtrack of miles necessary to help compensate for the inequities of maldistributed wealth and the wealth that Bork designed antitrust to create and that he defaulted to capitalism for distribution, top to bottom. Piketty’s work97 emphasizes wealth’s inequities and more fundamental ones—the losses to equality and democracy. Bork deplored any societal egalitarianism in outcomes.98 Moving in inches hardly constitutes a threat. Bork exaggerated the worries—they were all a red herring. Will wealth and Bork’s passion for it ever be matched by a fervor for a more equitably apportioned society? For now, no. Courts understand neither how wealth’s disproportionate generation is destructive of democracy,99 nor how Bork’s consumer welfare concept promotes wealth with absolute disregard of democracy.100 It is not “objective economic analysis,”101 obviously. It promotes corporate bigness, industrial concentration, and economic power.102 And as firms inevitably increase in size, their owners and investors become wealthier while their wealth increases gross inequalities. Bork’s consumer welfare has terribly misserved millions—the vast majority of America’s citizens—adding to the burdens they carry.103 Laws that promote wealth’s inequality—whether by design or designed default—are, consequently, incompatible with democracy. Simply stated, wealth has not been built objectively; it gravitates to the wealthiest. This we know from Piketty—that wealth even if built without distributional design or purpose will flow to the top. If wealth were physical matter, it would be flowing in reverse gravitational order. How? That is how it has been designed. That is how capitalism has been designed—to get wealth to the wealthy—producing significant antidemocratic results through a top-heavy distribution. Courts continue to exploit wealth maximization.104 Then again, are not courts doing exactly what Bork criticized Learned Hand and other “anti-democratic elitists”105 for doing? Are not courts using a “legislative warrant” as Hand advocated,106 whenever they deploy the consumer welfare prescription? Did not Congress authorize that warrant for judges “to appraise and balance the value of opposed interests and to enforce their preference.”107 If Hand used First Amendment values in Associated Press, why would judges not be inclined to use other constitutional values, like democracy? And what if judges actually used them? Bork anticipated that apostasy, finding First Amendment values—if not democracy itself—to be in philosophic opposition with antitrust laws.108 So he rejected Hand’s “dissemination of news from as many sources, and with as many different facets and colors as is possible.…”109 Such a plurality of sources, facets, and colors strikes a resounding democratic chord that Bork would likely have called “preposterous,” as he would brashly label any rules to have evolved from social and political values.110 Scholars now link antitrust with distributional values.111 Professor Anthony B. Atkinson wants antitrust to value the individual,112 recognizing as Hand did in Alcoa113 that “among the purposes of Congress in 1890 was a desire to put an end to great aggregations of capital because of the helplessness of the individual before them.”114 And it is the individual—rich and poor, but especially the poor—whom Atkinson wants to protect from the inequities of the marketplace.115 Atkinson sees as Senator John Sherman did in 1890 that the “problems that may disturb [the] social order … none is more threatening than the inequality of condition of wealth, and opportunity that has grown within a single generation out of the concentration of capital into vast combinations to control production and trade to break down competition.”116 Sherman’s and Hand’s worries were certainly not Bork’s. Hand said it best in Alcoa, “[W]e have been speaking only of the economic reasons which forbid monopoly … [but] there are others, based upon the belief that great industrial consolidations are inherently undesirable, regardless of their economic results.”117 Bork—regardless of destructive results to democracy—would never find efficient economic results inherently undesirable. Bork would likely find democracy a “cornucopia of social values, all rather vague and undefined but infinitely attractive.”118 A definition that was surely meant to disparage, fails. What makes democracy attractive is its socially related values.119 What makes it infinitely attractive are its regenerative capacities and potential for self-definition.120 Bork blocked democracy’s values so as not to tempt liberal judges. He worried needlessly. An antitrust solution to wealth’s severe inequality is simply not plausible.121 Antitrust has always been the heart of capitalism’s ideology.122 In truth, antitrust’s distribution of wealth for the wealthy is more than ideology—it is heartless reality. So was Bork right? Are the fates of capitalism and antitrust intertwined?123 And if antitrust were repealed? Professor Atkinson wants antitrust saved and used for citizens.124 But like Professors Stiglitz, Krugman, and Reich, he has fallen headfirst into antitrust’s heartless ideological trap. And like the other three he would resurrect TR’s trust-busting for the twenty-first century. Piketty avoids ideological traps. He learns the facts of history—unencumbered by ideologies like Bork’s—and has an unobstructed vision125 of the unequal and democratically destructive wealth of capitalism. Bork’s antitrust is the wrong policy tool for a nation presumed to be dedicated to serving citizens equitably.126 3. A Democracy with Antidemocratic Laws Corporate wealth makes disproportionately distributed wealth. And it is with this wealth—corporate stock and other significant financial investments127—that the small 20% minority can control this nation’s democracy. Since the minority draws its wealth through capitalism’s substantial inequalities, it will likely not participate in their remediation, relinquishing its substantial political advantages. It will use its considerable wealth to keep America capitalistic, using capitalistic principles to build and maintain politically strategic wealth, supporting inequalities and corporate growth, and blocking democratic values and principles from legislative adoption.128 Certainly, a repudiation of Bork’s theory129 would begin a democratically restorative process. But after fifty years of Bork, antitrust cannot be saved from him. The Supreme Court has ground his theory into binding precedent.130 And no Court will likely overrule this body of precedent, even if a future one were to lose its procapitalistic attitude.131 Today’s blindly procapitalistic Congress is no more likely to arrest Bork’s theory.132 For America’s citizens to become more democratically equal, they must elect officials who understand the necessity of balanced and prodemocratic laws and policies.133 A reigning system of capitalism makes hope in conventional representational politics difficult, however.134 Yet if capitalism has always generated substantial inequalities, how can members of Congress fail to understand? Actually, there is evidence that some do understand.135 However, who has asked probing questions about the political, moral, and social consequences of extreme wealth inequality and capitalism’s role? Penetrating questions rarely get asked in Washington. Some years ago a prescient Robert Dahl observed, For all the emphasis on equality in the American public ideology, the United States lags well behind a number of other democratic countries in reducing income inequality. It is a striking fact that the presence of large disparities in wealth and income, and so in political resources, has never become a salient issue in American politics, or, certainly, a persistent one.136 Another keen observer has written, “escalating economic inequality … [does] not prevent the adoption of major policy initiatives further advantaging the wealthy over the middle class and poor.”137 “The massive tax cuts of the Bush era … are a dramatic case in point.”138 Questions about capitalism while rarely expressed politically are hardly new, however. Adam Smith and John Locke addressed them first, while Mary Wollstonecraft’s in her 1790 A Vindication of the Rights of Man continued their skepticism. As Professors Blau and Moncada recently observed about her, [S]he was not the first to have pointed a finger at capitalism as … [a] cause of unfair and unequal outcomes. Adam Smith recognized its insidious effects and … John Locke had argued a century earlier that decent societies were equitable ones. Adding to Smith’s and Locke’s arguments for equity was Wollstonecraft’s special insight that capitalism legitimizes the very inequalities that it produces. That has not changed. Inherent in capitalism is the self-justification for the creation of inequalities because these inequalities alone engender the competition that capitalism requires to be dynamic, while holding out the seductive promise of future success to those that fail in today’s round of competitive struggle.139 Wollstonecraft realized that capitalism must have extremes for its existence and survival. And although Adam Smith and John Locke knew this before her, ignorance about capitalism and its necessary inequalities survives some two hundred years later. Yet, today, it can be understood that if capitalism requires competition, and competition requires inequality, then antitrust laws by supporting capitalism will also contribute to the extremes in inequality to which capitalism leads. 4. Understanding and Confronting the Reality of a Subverted Democracy The questions most critical to reality based policies have already been asked here: “Is more wealth always better?” Assuredly, no. Then, “At what point will wealth obstruct a democratic society?” Most assuredly, now. When 20% owns almost 90% of the nation’s wealth,140 it is time for structural remediation. Significant wealth must stop flowing exclusively to the top 20% without the bottom 80% sharing proportionally. But can wealth be made proportional? Can wealth’s exclusivity be reformed and made democratically compatible through statutory or constitutional reform? Must the nation’s wealthiest 1% continue to accumulate riches at a rate and pace until it owns virtually all141 of the nation’s stocks, bonds, and mutual funds? Must the middle class and poor—stuck with their near zero wealth—maintain their de minimis share? The poor has made room for the middle class, splitting America into two estranged and isolated classes: the wealthy and everyone else.142 Of course, this is no democracy. How could it be? Today, however, some presidential candidates are more boldly attacking inequality, as well as the laws and constitutional decisions that threaten democracy.143 Change may be blowing in the wind, but it now blows on sheltered wealth. How shaming it is for America. Nations must institute laws that directly and immediately attack the causes and effects of inequality.144 Freed from conservative orthodoxies, nations may even install direct controls145—a point missed by our current president. He concluded a recent speech146 with a misguided warning: [R]ising inequality and declining mobility are bad for our democracy. Ordinary folks can’t write massive campaign checks or hire high-priced lobbyists and lawyers to secure policies that tilt the playing field in their favor at everyone else’s expense. And so people get the bad taste that the system is rigged, and that increases cynicism and polarization, and it decreases the political participation that is a requisite part of our system of self-government.147 But, of course, the system is rigged.148 Capitalism requires capitalists. And so Congress has rigged laws and the national economy to suit them, fitting their exacting specifications, and avoiding any meaningful controls. Does this make the president naïve? Maybe he is somewhat. And then again, maybe he was just being his ultracautious self, hoping and silently praying that his speech’s measured words escape strong exception and political opprobrium. If he were bolder and less politically cautious, he would have granted highest priorities to human need, wealth’s proportionality, and, which is to say, to democracy itself. His words, as they were, neither upset the political right nor generated remedial legislative initiatives. Few politicians must have listened.149 No one wondered why.150 Then again, the president’s take on inequality is transparently political. He pushed middle-class opportunities, not proportionally greater wealth equality for all Americans.151 America will never be more authentically democratic152 as long as its wealth-based and upper-class system predominates.153 This should concern him far more. He should have committed fully to democracy, helping the nation understand how it must commit to more proportionate wealth and laws combatting wealth’s exclusive distribution. Higher taxes and other legislation must remediate the more audacious wealth extremes, while enhanced revenues can help keep budgets balanced, infrastructure repaired, human needs funded, and public enterprises created to help counterbalance private corporate wealth. But, first, a president must be motivated. A transformational president comes along as often as a Woodstock generation. How supremely ironic it will be when the record high inequalities produced by the oligopolies and monopolies of this Borkean era are transformed by a future Woodstock generation predisposed to limit154 corporate size, growth, and profits; to increase taxes; and to create public enterprises. Law professors inclined to use Woodstock155 as a negative signifier—signifying the presumed negative extremes of the 1960s—give Bork way too much glory. If Bork had killed antitrust outright, it would have saved society from the consequences of a botched execution. But since Bork failed, antitrust has continued to facilitate wealth for the richest Americans. 5. Making Solutions Difficult—Antitrust Has Built Huge Corporations, Even Bigger Inequalities No longer Sherman Act targets, corporations have risen to power through the Act’s freedom to expand to immense size, with only relative market size controlling.156 With a small market share, a corporation like Exxon Mobil can still be one of the world’s largest—larger than many of the world’s economies—and one that in 2014 had assets of $347 billion, revenues of $408 billion, profits of $33 billion, and a market value of $422 billion.157 America’s most expensive property, the Apple Corporation,158 has been worth over $700 billion,159 and it may become the world’s first $1 trillion corporation.160 All publicly traded corporations combined tip the scales at about $19 trillion.161 If corporate wealth distorts democracy, as Professor Lindblom knows,162 then why has the public been so tolerant? Have procorporate policies won over the public with what propagandists—Hayek,163 Friedman,164 and their followers, along with the more recent “Regan Revolutionaries”—have told it? Apparently, and for now the propagandists have won. And although Bork’s theory has withstood dissent and remain preeminent, cracks in the façade do appear. Bork’s theory contends that markets compel corporations to become increasingly efficient, perhaps efficient and large enough to satisfy a market’s total demand. And even if a single corporation can satisfy total demand—and can do so without engaging in predatory or exclusionary conduct—no Sherman Act violation occurs. Demand has been satisfied through a rational and efficient response to the operation of impersonal market forces, or so Bork contends. While his theories rests on false assumptions about competition and markets, and how corporations perform within them, efficiency has won another battle in its ongoing war with equity.165 Still, should not the size and wealth of corporations always matter in a democracy? Should not a democracy control the influence, power, and political access that tens of trillions of dollars in corporate assets and cash can command? Not surprisingly, “When money can buy political influence,”166 warns a Harvard economist, “concentrated wealth threatens the very fabric of democracy.”167 The nation’s democracy requires a proportionate equality of citizen wealth. These are not new ideas. Wollstonecraft, Adam Smith, and John Locke understood the essential nature of equality.168 The Supreme Court has not. The cause would seemingly be Bork.169 He would not sacrifice efficiency to have less wealth inequality. Indeed, he would not even have society—or antitrust—move in that direction.170 Such obduracy helps explain today’s policy ambivalence over huge wealth inequalities.171 To be big, as the Court once decreed,172 is not bad. To be big does help explain the nation’s $28 trillion corporate asset base173 and the trillions of corporate cash hoarded here and overseas.174 American corporations are so big, in fact, that out of the hundred largest economies of the world, fifty-one are corporations and most are American.175 The economy’s $17 trillion GDP in 2013 was only a little smaller than the world’s next three largest economies combined.176 The nation has long accommodated corporate behemoths. The Apple Corporation has had a market value as high as $742 billion,177 along with recent annual revenues of $170 billion, cash on hand of $40 billion, and total assets of $207 billion,178 but none of this matters under antitrust law. What matters is that Apple has been extraordinarily innovative and its extremely popular products have sold like wild. So why punish it? Why would the Federal Trade Commission or the Justice Department’s Antitrust Division proceed to break up a successful firm like Apple? Its competitors and the market, under Bork’s theory, will provide sufficient discipline and control. That fickle techies have no brand loyalty will discipline Apple. Techies will bolt from Apple products in a flash for the latest glitz of a rival’s whiz-bang products. And, of course, techies already have. Apple’s stock values have significantly declined as its innovative edge has slipped and its products’ higher prices have dissipated its market shares. Its values will fluctuate as the stock market flips and flops. So goliaths like Apple and Exxon Mobil operate, as Bork’s theory sees it, under a market’s watchful control and discipline. It is, of course, a ridiculous little story of a theory, but it has hoodwinked the Court. Its Sherman Act interpretations179 promote both absolute size and immense financial power—the most prominent inevitabilities of capitalism—and citizens’ vast wealth differences. Afflicted Americans will not be heard in Congress over a chorus of some $28 trillion strong.180 Their muffled voices perpetuate the damage inflicted upon them.181 Is the damage calculable? If every $100,000 in Exxon Mobil wealth were to provide wealth for one American household,182 Exxon Mobil’s total market wealth of $422 billion183 would provide wealth for roughly 422,000 households or about 1.7 million people—equivalent to Pittsburgh, Minneapolis, and Baltimore combined. More staggering is that all corporate wealth184 equates to the wealth of 28 million households or about half the population of the United States. Such magnitude of wealth and power smothers democracy—reminiscent of “the robber baron era of U.S. capitalism over a hundred years ago.…”185 Americans are helpless, facing an onslaught of corporate dollars and the power politics of extreme wealth. From each American (rich and poor alike) must be extracted about $5,600 to cover America’s $1.8 trillion in total corporate profits,186 almost all of which is then redistributed to the 20% in the form of interest, dividends, and capital gains. As profits increase, an efficient market theory will help increase and protect the 20%’s share even as extractions from unsuspecting Americans increase. What might seem encouraging is the number of Americans who own corporate stock, houses, and other tangible assets. However, this ownership is tiny. Almost 95% is owned by the 20%,187 while the top 1% own 40%.188 What is even more disturbing is that the top 10% of wage earners take in about half of the nation’s income,189 while each of the top 1% of households earns close to $400,000190 and each of the bottom 25% earns about $22,500.191 These inequalities reflect deep structural defects. Since antitrust has aided in the creation of huge corporations, facilitated their accumulation of tens of trillions of dollars in assets and cash, and helped them distribute profits to billionaires and millionaires, it is safe to say that neither antitrust nor capitalism can remedy wealth’s extreme inequality. “[A]ntitrust policy went into eclipse during the Reagan years,” is what the spoiler Paul Krugman has written.192 And like Professor Stiglitz, Krugman criticizes the distortions that corporate wealth causes democracy, but neither he nor Stiglitz193 has gotten the remedy right. And they are not alone. Robert Reich acknowledges the damages of wealth’s inequalities, and presumes antitrust enforcement will help.194 Antitrust laws that helped create the problem cannot help solve it.195

#### The aff claims to boost AI innovation and cooperation with the US military.

**1AC Foster 20**, “Antitrust Investigations have deep implications for AI and national security,” Brookings Institute, June 2, 2020, <https://www.brookings.edu/techstream/antitrust-investigations-have-deep-implications-for-ai-and-national-security/>

Changes to the composition of America’s tech sector might boost net AI innovation. From 2013-2018, 90 percent of successful Silicon Valley AI start-ups were purchased by leading tech companies. This is a potentially worrisome trend for AI innovation. After all, incumbent firms and emerging companies can have very different incentives. Entrenched tech giants may be more focused on maintaining market share than disrupting markets altogether.

As Big Tech increasingly moves to acquire AI start-ups, individual firm dynamics also shift. Instead of “building for scale,” start-ups begin to “build for sale,” adopting a mentality that may be ill-suited for moonshot innovations. Would a company like DeepMind (now owned by Google parent-company Alphabet), for example, have developed AlphaGo—the ground-breaking computer program that became the first to beat a human player in Go—if the firm’s primary goal was to be acquired by a bigger player?

Antitrust action could shift these incentives and spur competition, potentially opening the door for new AI innovations—and for a new wave of AI companies. With their smaller statures, some of these firms might focus on more niche AI applications, including defense-related products, as start-ups like Anduril and ShieldAI have done. Today’s tech giants have every financial incentive to cater to foreign markets and the average consumer, not to the U.S. federal government. Indeed, with its global user-base, it is hard to imagine Google tailoring its AI innovation decisions to U.S. defense needs. The same may not hold within an AI ecosystem where some companies built, for example, in the mold of Palantir (a data-analytics company with clear national-security applications) consider government their primary customer and subsequently concentrate on its demands.

National-security agencies, from the Pentagon to the U.S. intelligence community, could stand to benefit from more targeted innovation—and from an industrial base better attuned to their needs. As Christian Brose points out, only a fraction of the U.S.’s billion-dollar tech “unicorns” have operated in the defense sector, leaving the U.S. military “shockingly behind the commercial world in many critical technologies.”

#### The aff’s profit-based form of AI development locks in algorithmic exploitation and race and class violence

Matthews 19

Dylan Matthews (senior correspondent), “Why the left should worry more about AI,” *VOX*, 11/7/2019. https://www.vox.com/future-perfect/2019/11/7/20897531/artificial-intelligence-left-socialist-google-deepmind

But the leftist case for worry is broader than this. AI safety experts often characterize the problem as one of “alignment”: Is the goal for which AI is optimizing aligned with the goals of humanity as a whole? To use an oft-repeated thought experiment, would a sufficiently powerful AI, told to produce (say) paperclips, end up hoarding resources until it destroys the world and uses all the Earth’s resources to build paperclips?

That’s a ridiculous example and one that I find turns off a lot of the not-already-converted, including some eminent AI researchers who find talk of apocalypse overblown. But here’s a less ridiculous one.

Algorithms are already misaligned with human ethics, and it’s already a problem

Let’s say that Pittsburgh wants to more effectively respond to cases of child neglect, and better triage its case workers so they investigate the worst cases. So the city builds a predictive model based on thousands of previous cases that can assign a score to each case that comes through that helps prioritize it.

But using previous cases to train the AI means it winds up baking in a lot of prejudices from previous generations of case workers, who may have been biased against poor and black parents.

This method is not very precise and produces a lot of false positives, but its air of precision and science means that case workers have started to defer to the algorithm. It has gained power in spite of its weak empirical underpinnings.

This is not a hypothetical example. This is the story of the Allegheny Family Screening Tool (AFST), an algorithm used by the county encompassing Pittsburgh to triage child abuse cases. Virginia Eubanks, a political scientist at the University of Albany, chronicles this system and its many limitations in Automating Inequality (2018), the best single book on technology and government I’ve read.

Often cases like this are conceptualized through the prism of rights to privacy, or rights to oversight over algorithms; my colleague Sigal Samuel has done incredible work on this front. But fundamentally it’s an AI alignment problem of exactly the same kind, if not the same scale, that MIRI and effective altruists worry about.

Some in the artificial intelligence research community having been urging researchers and advocates to make these connections. “Some critics have argued that long-term concerns about artificial general intelligence (AGI), or superintelligence, are too hypothetical and (in theory) too far removed from current technology for meaningful progress to be made researching them now,” Cambridge’s Stephen Cave and Seán S. ÓhÉigeartaigh wrote in Nature: Machine Intelligence earlier this year. “However, a number of recent papers have illustrated not only that there is much fruitful work to be done on the fundamental behaviors and limits of today’s machine learning systems, but also that these insights could have analogues to concerns raised about future AGI systems.”

There is a left/libertarian alliance to be made in translating Bay Area worries about the long-run capabilities of AI into worries about the way it’s being deployed right this minute. We could be using these more primitive technologies to build a precedent for how to handle alignment problems that will become vastly more complex with time.

As the Silicon Valley libertarians set their sights to more specific cases, leftists should set them a bit wider. The automation of governance will not stop with Pittsburgh’s family services system. It will be vastly more dramatic in 10, 20, 30 years.

And the only way to ensure alignment is to stop treating this as a silly issue, and actively engage with AI safety.

#### Framing AI as a military asset corrupts its utility as a social good, accelerating endless conflict and crushing the true pillars of national security.

Skolnik 21 – Jon Skolnik is a staff writer at Salon. His work has appeared in Current Affairs, The Baffler, AlterNet, and The New York Daily News, March 16th (“Big Tech is fueling an AI "arms race": It could be terrifying — or just a giant scam”, Salon, Available online at <https://www.salon.com/2021/03/16/big-tech-is-fueling-an-ai-arms-race-it-could-be-terrifying--or-just-a-giant-scam/>, Accessed 10-05-2021)

Early in the 2020 presidential campaign, Democratic candidates Pete Buttigieg and Andrew Yang tried to build political momentum around the claim that the United States is losing ground in a new arms race with China — not over nuclear missiles or conventional arms but artificial intelligence, or AI. Around the same time, former President Trump launched the American AI Initiative, which sought to marshal AI technologies against "adversarial nations for the security of our economy and our nation," as Trump's top technology adviser put it.

Buttigieg, Yang and Trump may have agreed about little else, but they appeared to go along with the nonpartisan think tanks and public policy organizations – many of them funded by weapons contractors – that have worked to promote the supposedly alarming possibility that China and Russia may be "beating" the U.S. in defense applications for AI. Hawkish or "centrist" research organizations like the Center for New American Security (CNAS), the Brookings Institution and the Heritage Foundation, despite their policy and ideological differences in many areas, have argued that America must ratchet up spending on AI research and development, lest it lose its place as No. 1.

Just last week, the National Security Commission on Artificial Intelligence (NSCAI) published a sweeping 756-page report, culminating two years of work following the 2019 National Defense Authorization Act, asking Congress to authorize a $40 billion federal investment in AI research and development, which the NSCAI calls "a modest down payment." The commission also urged President Biden to reject the push for a global ban on AI-enabled autonomous weapons — a ban proposed by thousands of scientists and thought leaders in an open letter written in 2015.

Concerned about the threat of increasing AI sophistication in Russia and China, the commission warned lawmakers that America "will not be able to defend against AI-enabled threats without ubiquitous AI capabilities and new warfighting paradigms." It offered a laundry list of recommendations to put these paradigms into action, including a "Steering Committee on Emerging Technology" within the Defense Department, an accredited university designed to produce and recruit tech talent for the defense sector, and a ramped-up investment in semiconductor manufacturing designed to keep the U.S. "two generations" ahead of China.

One question, however, was not directly answered in the NSCAI's gigantic report or in all the think-tank policy papers that preceded it: Is this science fiction-flavored arms race against largely imaginary Chinese and Russian techno-weapons of the future really necessary? Is it remotely a good idea, or likely to improve the lives of any human beings on the planet? (Excepting, that is, those who stand to profit from it.)

Jim Naureckas, the editor of Fairness and Accuracy in Reporting (FAIR) and a frequent critic of military spending, told Salon in an interview that framing of AI development as an "arms race" is irresponsible, but in the larger sweep of history is also nothing new. "The whole military industry is driven by fear as a motivator," he said. "There's a logic to an arms race that's different from the logic of arms control."

After its release, the NSCAI report was greeted with a deluge of largely uncritical media coverage, most of it echoing concerns about the U.S. losing the "AI arms race" — a term not mentioned in the report itself, but certainly evoked by its framing.

"Unless America acts now," a Washington Post headline read, "China could trounce it in artificial intelligence."

"Which country is emerging as the global leader in AI?" echoed TechHQ.

"America wakes up to the China threat," chimed the Wall Street Journal.

As Naureckas pointed out, the notion that that the U.S. will soon fall behind its global competitors in military technology is a tried-and-true scare tactic, employed at various times in slightly different registers by both Democrats and Republicans. In reality, U.S. military spending remains mind-bogglingly high. For the 2020 fiscal year, the Trump administration approved a military budget of $738 billion, a $21 billion increase from the previous year and it passed with overwhelming bipartisan support, facing only 48 "no" votes in the House and eight in the Senate. In 2019, the militarized budget accounted for 64.5 percent of all federal discretionary spending.

The U.S. has 800 military bases on foreign soil, far more than any other country in the world. According to Military.com, America is the world leader in every significant category of military hardware, and has roughly 1.4 million active-duty military personnel. In 2020, the Stockholm International Peace Research Institute (SIPRI) found that the U.S. allocated more to its military budget than the next 10 nations combined. American military spending is about 2.7 times greater than that of China — which has a much larger population — and more than 10 times higher than Russia's, or that of any other single country.

Meanwhile, bureaucratic and operational waste within the defense budget abound. In 2016, for example, it was discovered that the Pentagon had buried an internal study finding that it had spent some $125 billion in wasteful business operations. More recently, it was discovered that the Pentagon's F-35 fighter jet program — which costed taxpayers somewhere in the neighborhood of $1.5 trillion — has been riddled with software glitches and operational failures since 2006, rendering an untold number of fighter jets (each one costing $100 million) not flight-ready.

In spite of all its administrative bloat and operational dysfunction, the military remains exceptionally well-funded. Why, then, would the NSCAI insist it needs billions more for a hypothetical arms race against badly underfunded opponents? The report's authors may tell a better story than the report itself.

Jack Poulson, a former Google employee who resigned over the company's plan to launch a censored version of its search engine in China, told Salon that profit motives is deeply entrenched in the NSCAI report.

"It should not come as a surprise that a commission packed with tech billionaires would call for increased intellectual property protections, oppose regulation (including on Lethal Autonomous Weapons), propose toothless ethics principles, and call for more federal funding of their industry," Poulson said in a statement.

Indeed, many commission members are past and present tech executives of companies on the fore of AI — companies that have much to gain from future contracting deals with the Pentagon.

The commission's chair, for example, is Eric Schmidt, the former CEO of Google, who remains — as Poulson pointed out — a major shareholder in Alphabet, Google's parent company. Google's head of AI, Andrew Moore, is also a member of the NSCAI.

Google already has an extensive history of working with the Pentagon. According to The Intercept, in a federally-funded $70 million program called Project Maven, Google developed "algorithmic warfare initiative to apply artificial intelligence solutions to drone targeting." The company expecting that revenue would steadily rise from $15 million to $250 million a year for such defense projects.

In April of 2018, however, 3,000 Google employees signed an open letter decrying the company's involvement in defense technology, a move that eventually led to Google's ultimate decision to back out of the deal. Schmidt strongly objected to Google's decision, calling it an "aberration" within the tech industry, which he felt was otherwise inclined to collaborate with the Defense Department. Former Undersecretary of the Navy Robert Work, the vice chairman of NSCAI, called Google's decision "hypocritical," using language that suggested a new cold war is already underway: "Anything that's going on in the AI center in China is going to the Chinese government and then will ultimately end up in the hands of the Chinese military."

Other members of the commission include Oracle CEO Safra Catz, Microsoft chief scientific officer Eric Horvitz, and Andrew Jassy, the future CEO of Amazon Web Services, all of whom received cloud awards as part of the CIA's Commercial Cloud Enterprise (C2E), as Poulson noted.

Oracle, Amazon and Microsoft, in fact, are currently involved in an acrimonious legal battle over a $10 billion cloud-computing contract called the Joint Enterprise Defense Initiative (JEDI). The deal was initially considered to be "gift-wrapped" for Amazon until Oracle butted in, alleging improprieties. In an odd turn of events, the Pentagon awarded the contract to Microsoft, prompting Amazon to sue the federal government for anti-Amazon bias, based on ex-President Trump's overheated rhetoric.

When it comes to securing Big Tech's enormous future contracts with the Pentagon, it appears that Jassy, Catz and Horvitz have set aside their mutual grievances for the time being

Other board members of NSCAI include Gilman Louie and Christopher Darby, who are the founder and vice president (respectively) of a CIA-funded nonprofit called In-Q-Tel, which invests money in private companies who are developing technologies that might be useful to the intelligence community. According to a Wall Street Journal investigation from 2015, half of In-Q-Tel's trustees were financially connected to private companies in which In-Q-Tel had invested.

Another board member, William Mark, a vice president of SRI International, has served on the Defense Advanced Research Projects Agency (DARPA), a government-run program that partners with a variety of private companies and research institutions to "make pivotal investments in breakthrough technologies for national security." DARPA has awarded SRI numerous contracts for the development of speech recognition, translation and, most recently, deep-fake recognition systems.

In other words, nearly everyone involved in preparing or supporting the NSCAI report would seem likely to benefit from the perception that the U.S. is falling behind other nations in vital defense technology.

The Defense Department, Poulson told Salon, "prefers to run the race as if it is losing — which happens to increase military budgets, justify post-government consulting careers and help tech CEOs oppose regulation."

It's only natural that government authorities would seek out industry experts to consult on AI projects — it's a fast-developing field that almost no one outside the tech world understands. Poulson wonders, however, "whether the U.S. will give human rights organizations — such as Human Rights Watch and the Campaign to Stop Killer Robots — as much of a seat at the table as it does tech billionaires."

The very fact that the NSCAI is stacked with panel members with an obvious incentive to weaponize new technologies raises the question whether there needs to be an AI "arms race" at all. That term, of course, harkens back to Cold War hysteria surrounding the threat of nuclear annihilation, which led U.S. lawmakers to grow unduly concerned with the "missile gap," a widely held misconception that the Soviet Union was outpacing the U.S. with superior ballistic missile capabilities. (As intelligence sources knew even at the time, the Soviet nuclear arsenal was in bad shape and much smaller than advertised.)

#### A.I. causes nuclear catastrophe via *use-it* or *lose-it* pressures.

RAND, 18 – [Article published by a composition of A.I. professionals working for RAND, a non-profit think-tank based in Santa Monica that specializes in military related public policy changes. “How Artificial Intelligence Could Increase the Risk of Nuclear War”, (https://www.rand.org/blog/articles/2018/04/how-artificial-intelligence-could-increase-the-risk.html)]

The fear that computers, by mistake or malice, might lead humanity to the brink of nuclear annihilation has haunted imaginations since the earliest days of the Cold War. The danger might soon be more science than fiction. Stunning advances in AI have created machines that can learn and think, provoking a new arms race among the world's major nuclear powers. It's not the killer robots of Hollywood blockbusters that we need to worry about; it's how computers might challenge the basic rules of nuclear deterrence and lead humans into making devastating decisions. That's the premise behind a new paper from RAND Corporation, How Might Artificial Intelligence Affect the Risk of Nuclear War? It's part of a special project within RAND, known as Security 2040, to look over the horizon and anticipate coming threats. "This isn't just a movie scenario," said Andrew Lohn, an engineer at RAND who coauthored the paper and whose experience with AI includes using it to route drones, identify whale calls, and predict the outcomes of NBA games. "Things that are relatively simple can raise tensions and lead us to some dangerous places if we are not careful." Petrov would say later that his chair felt like a frying pan. He knew the computer system had glitches. The Soviets, worried that they were falling behind in the arms race with the United States, had rushed it into service only months earlier. Its screen now read “high reliability,” but Petrov's gut said otherwise. He picked up the phone to his duty officer. “False alarm,” he said. Suddenly, the system flashed with new warnings: another launch, and then another, and then another. The words on the screen glowed red: "Missile attack." To understand how intelligent computers could raise the risk of nuclear war, you have to understand a little about why the Cold War never went nuclear hot. There are many theories, but “assured retaliation” has always been one of the cornerstones. In the simplest terms, it means: If you punch me, I'll punch you back. With nuclear weapons in play, that counterpunch could wipe out whole cities, a loss neither side was ever willing to risk.​​​​​​​ Autonomous systems don't need to kill people to undermine stability and make catastrophic war more likely. That theory leads to some seemingly counterintuitive conclusions. If both sides have weapons that can survive a first strike and hit back, then the situation is stable. Neither side will risk throwing that first punch. The situation gets more dangerous and uncertain if one side loses its ability to strike back or even just thinks it might lose that ability. It might respond by creating new weapons to regain its edge. Or it might decide it needs to throw its punches early, before it gets hit first. That's where the real danger of AI might lie. Computers can already scan thousands of surveillance photos, looking for patterns that a human eye would never see. It doesn't take much imagination to envision a more advanced system taking in drone feeds, satellite data, and even social media posts to develop a complete picture of an adversary's weapons and defenses. A system that can be everywhere and see everything might convince an adversary that it is vulnerable to a disarming first strike—that it might lose its counterpunch. That adversary would scramble to find new ways to level the field again, by whatever means necessary. That road leads closer to nuclear war. "Autonomous systems don't need to kill people to undermine stability and make catastrophic war more likely," said Edward Geist, an associate policy researcher at RAND, a specialist in nuclear security, and co-author of the new paper. "New AI capabilities might make people think they're going to lose if they hesitate. That could give them itchier trigger fingers. At that point, AI will be making war more likely even though the humans are still quote-unquote in control." A Gut Feeling Petrov's computer screen now showed five missiles rocketing toward the Soviet Union. Sirens wailed. Petrov held the phone to the duty officer in one hand, an intercom to the computer room in the other. The technicians there were telling him they could not find the missiles on their radar screens or telescopes. It didn't make any sense. Why would the United States start a nuclear war with only five missiles? Petrov raised the phone and said again: False alarm. Computers can now teach themselves to walk—stumbling, falling, but learning until they get it right. Their neural networks mimic the architecture of the brain. A computer recently beat one of the world's best players at the ancient strategy game of Go with a move that was so alien, yet so effective, that the human player stood up, left the room, and then needed 15 minutes to make his next move. Russia recently announced plans for an underwater doomsday drone with a warhead powerful enough to vaporize a major city.​​​​​​​ The military potential of such superintelligence has not gone unnoticed by the world's major nuclear powers. The United States has experimented with autonomous boats that could track an enemy submarine for thousands of miles. China has demonstrated “swarm intelligence” algorithms that can enable drones to hunt in packs. And Russia recently announced plans for an underwater doomsday drone that could guide itself across oceans to deliver a nuclear warhead powerful enough to vaporize a major city. Whoever wins the race for AI superiority, Russian President Vladimir Putin has said, "will become the ruler of the world." Tesla founder Elon Musk had a different take: The race for AI superiority, he warned, is the most likely cause of World War III. For a few terrifying moments, Stanislav Petrov stood at the precipice of nuclear war. By mid-1983, the Soviet Union was convinced that the United States was preparing a nuclear attack. The computer system flashing red in front of him was its insurance policy, an effort to make sure that if the United States struck, the Soviet Union would have time to strike back. But on that night, it had misread sunlight glinting off cloud tops. "False alarm." The duty officer didn't ask for an explanation. He relayed Petrov's message up the chain of command. The next generation of AI will have "significant potential" to undermine the foundations of nuclear security, the researchers concluded. The time for international dialogue is now. Keeping the nuclear peace in a time of such technological advances will require the cooperation of every nuclear power. It will require new global institutions and agreements; new understandings among rival states; and new technological, diplomatic, and military safeguards. It's possible that a future AI system could prove so reliable, so coldly rational, that it winds back the hands of the nuclear doomsday clock. To err is human, after all. A machine that makes no mistakes, feels no pressure, and has no personal bias could provide a level of stability that the Atomic Age has never known. That moment is still far in the future, the researchers concluded, but the years between now and then will be especially dangerous. More nuclear-armed nations and an increased reliance on AI, especially before it is technologically mature, could lead to catastrophic miscalculations. And at that point, it might be too late for a lieutenant colonel working the night shift to stop the machinery of war.

### 1NC---Advantage 2

#### The advantage is ludicrous.

#### Their Brown evidence says the FTC is expected to initiate rulemaking over privacy violations.

**1NC Brown and Pozza ’21**, “FTC Prepares to Expand Rulemaking, Including on Privacy and Data Use,” JDSUPRA, March 31, 2021, <https://www.jdsupra.com/legalnews/ftc-prepares-to-expand-rulemaking-7281226/>

Last week the Federal Trade Commission (FTC) announced the creation of a new rulemaking group within the FTC’s Office of the General Counsel. The announcement and other statements signal that the FTC under Acting Chairwoman Slaughter will be much more active in proposing rules on high profile issues. The agency’s announcement notes that the rulemaking group will tackle both unfair and deceptive practices and unfair methods of competition. And in separate remarks on March 26 at the American Bar Association Antitrust Law Spring Meeting, Acting Chairwoman Slaughter suggested that the agency may move forward on rulemakings about data use – which could encompass privacy, concerns about alleged manipulation on data platforms, and competition issues.

The New Office is a Shift From the Commission’s Decades-Old Approach to Rulemaking

The establishment of a dedicated rulemaking group is a significant change for the FTC, which has been restricted in its rulemaking activity since the last century. In response to controversies over how the FTC was engaged in rulemaking at the time, Congress passed legislation over four decades ago that significantly constrained the FTC’s rulemaking authority. In general, the FTC is required to follow cumbersome rulemaking requirements in addressing unfair or deceptive practices (generally known as “Magnusson-Moss” rulemaking), which go well beyond normal agency Administrative Procedures Act (APA) procedures.

As a result, in recent years, the FTC has relied much more heavily on enforcement actions rather than rulemaking to articulate its expectations. This approach has been controversial and resulted in high profile disputes in the area of data security, including prolonged litigation with Wyndham and LabMD. Structurally, responsibility for various rules is currently distributed among staff throughout the agency. And many of the rules the FTC still enforces are focused on narrow segments of the economy (e.g., the contact lens rule).

This means that, unlike the Federal Communications Commission (FCC), the FTC has comparatively little expertise in traditional rulemaking procedures, such as under the Administrative Procedure Act. In the context of ongoing debates over federal privacy law, some commentators have warned against giving the FTC broad rulemaking authority.

A rulemaking group within the General Counsel’s office would not only develop greater expertise in rulemaking best practices, it would help agency leadership evaluate legal issues, both in the record and in court. Substantively, a rulemaking group would be charged with considering rules dealing with both consumer protection and competition issues. As the agency’s release put it: “The new structure will aid the planning, development, and execution of rulemaking – especially new rulemakings – in turn making the Commission’s work more efficient and potent.” Additionally, as the General Counsel is appointed by the Chair, the Chair would be better able to coordinate rulemaking efforts (though any notices or final rules will require a Commission vote).

What Will the Agency’s Rulemaking Priorities Be?

Last week, at the ABA Antitrust Law Spring Meeting, Acting Chairwoman Slaughter indicated that one priority would be to conduct a data-related rulemaking, which could encompass not just traditional privacy issues, but also alleged manipulation on data platforms and competition issues. She may have bipartisan support on the Commission for at least some rulemaking in this area: In a speech at Silicon Flatirons in February, Commissioner Christine Wilson stated that she may be open to the possibility of a privacy rulemaking, in order to address what she characterized as a “market failure” in privacy, and to bring greater certainty and predictability for business.

Acting Chairwoman Slaughter has also been outspoken about the need for the agency to address algorithmic discrimination and what she has long called “data abuses.” In a speech last year, she argued that a Magnusson-Moss rulemaking this area, while “slow and imperfect,” could “generate a rule in this area if Congress ultimately fails to act,” or at least “significantly advance the public debate.” And she argued that a rule “might be able to affirmatively impose requirements of transparency, accountability, and remedy . . . in a way that takes into account context and relative risk.”

There may be greater rulemaking on the antitrust side as well. In recent Congressional testimony, Acting Chairwoman Slaughter noted that rulemaking may be preferable to case-by-case litigation in dealing with certain competition issues. One likely area appears to be non-compete provisions in employment contracts. In her testimony, she noted that she “strongly support[s] the Commission taking up and considering a rulemaking to address unfair and anticompetitive non-compete provisions in employment contracts.” Similarly, Lina Khan, who has been nominated for the open Commissioner slot, has also indicated that she is favor of a non-compete rulemaking in an article co-authored with current Commissioner Rohit Chopra (who has been nominated to lead the Consumer Financial Protection Bureau).

Targeted rulemaking is also one potential response to the prospect of FTC losing the AMG case at the U.S. Supreme Court. If the FTC loses that case, its ability to seek monetary relief in FTC Act cases in federal court will be limited. However, the agency would still have the ability to seek civil penalties for rule violations – so it may seek to enact rules that are consistent with its recent enforcement actions. Indeed, the agency appears to be moving forward on a potential “Made in the USA” rule in part for this reason.

What’s next?

As noted above, the agency faces greater procedural hurdles when conducting Magnusson-Moss rulemakings, including additional notice and hearing requirements, which make the overall process lengthier. It has APA authority in some areas, and Acting Chairwoman Slaughter and Commissioner Chopra have also called for the FTC to use APA authority to engage in rulemaking regarding unfair methods of competition, which would be relatively novel and untested.

However, the agency arguably can move quickly to start various rulemaking processes, particularly once the new rulemaking group is up and running. It may also solicit public comments through public workshops or similar events. Wiley’s decades of experience managing analogous FCC rulemaking activity gives us a glimpse of what the future may hold: thorough and contested rulemakings, disputes and different perspectives within the agency, thorny legal questions, and perhaps legal challenges to FTC rules—based on both substance and process. This may prove to be an eventful time at the FTC as it explores the strength of its regulatory tools, sometimes in controversial policy areas.

Particularly as top Commission personnel continue to change with the new Administration, companies should consider how to respond to the FTC’s plans to – in the words of Acting Chairwoman Slaughter – “activate” its rulemaking authority going forward.

#### Only solvency card for the advantage is FTC---which ALSO says Congress could preempt FTC rulemaking with privacy legislation.

**1NC FTC-Senate Hearing 21**, “SENATE COMMERCE, SCIENCE, & TRANSPORTATION COMMITTEE HEARING ON STRENGTHENING THE FEDERAL TRADE COMMISSION'S AUTHORITY TO PROTECT CONSUMERS,” April 20, 2021, <https://docs.house.gov/meetings/IF/IF17/20210427/112501/HHRG-117-IF17-20210427-SD013.pdf>

WILSON: Thank you. Chairman Cantwell, Ranking Member Wicker, and Members of the Committee, I am pleased to appear before you today, albeit remotely. I would like discuss three areas this morning in which Congress can support the FTC's mission by clarifying the FTC's authority under Section 13(b) of the FTC Act, enacting federal privacy legislation and approaching the topic of antitrust reform judiciously. Recent federal court decisions have challenged the FTC's ability to use Section 13(b) to obtain injunctive and equitable monetary relief. Defendants use these challenges - these decisions to challenge the FTC's authority in ongoing cases and settlement negotiations. We face difficulty prosecuting and resolving cases. Congressional clarification of 13(b) would help immensely. Stakeholders have expressed legitimate concerns about 13(b). The absence of a Statute of Limitations can be cured by including one in legislation. Concerns about the unbounded use of 13(b) to get disgorgement in antitrust cases can be cured by setting boundaries on when the FTC will seek disgorgement. The factors in the FTC's now rescinded 2003 disgorgement policy statement provide good roadmap to address concerns about 13(b) and consumer protection cases, involving not fraudsters, but legitimate companies selling legitimate products, albeit with deceptive claims, Congress could direct courts to account for the value consumers retain from the product despite the deception. The legitimate concerns of stakeholders can be addressed, while also restoring our ability to use 13(b) to pursue wrongdoers. The second topic I'd like to cover is federal privacy legislation. FTC Commissioners on a bipartisan basis have long urged Congress to pass privacy legislation. Consumer and industry groups agree. The first and best option would be for this Congress to enact privacy legislation. You are best situated to make the value judgments inherent in privacy legislation, and we stand ready to assist with implementing that legislation through rulemaking and enforcement. But, what if Congress has other legislative priorities? The FTC has been lambasted for not doing enough to protect consumer privacy. I disagree with those critiques, but our jurisdiction and tools are limited. That said, rulemaking under Section 18 of the FTC Act, known as MagMoss rulemaking is within our authority. Granted, a Mag-Moss rulemaking is not the optimal solution. But in the absence of congressional action, and in the face of continuing harm, including growing infringements of our civil liberties, I support Acting Chairwoman Slaughter in considering this path. By design, Mag-Moss rulemaking is a lengthy and cumbersome undertaking. I would be thrilled to undertake the Mag-Moss process only to have Congress preempt that effort by passing privacy legislation. Absent privacy legislation, a Mag-Moss process would move us closer to providing transparency for consumers, establishing guardrails for businesses and erecting safeguards for our civil liberties. But inaction is not an option.

#### Two issues:

#### 1---the aff does NOT concern privacy violations---it’s about substitutable market products, not data pillaging---which means they are NOT the legislation that preempts rulemaking. Even if they are, the FTC could be overzealous in a litany of other areas of competition law---like pay-for-delay, standard-essential patents, healthcare mergers, and more---each of which are external to the aff.

#### IN FACT, their evidence says rulemaking now is on issues distinct from the aff. That zeroes the advantage because it only takes one court challenge to revive nondelegation.

**1NC Brown and Pozza ’21**, “FTC Prepares to Expand Rulemaking, Including on Privacy and Data Use,” JDSUPRA, March 31, 2021, <https://www.jdsupra.com/legalnews/ftc-prepares-to-expand-rulemaking-7281226/>

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#### 2---they have no evidence Congress WOULD preempt. Their FTC ev is normative, and is wishful for Congressional action, but doesn’t say its likely.

#### Notions of U.S. climate leadership allow the U.S. to recapture hegemony through green militarism.

**Doyle and Chaturvedi 15.** Timothy, Professor of Politics and International Studies at the University of Adelaide; Distinguished Research Fellow of Indian Ocean Futures at Curtin University; and Sanjay Chair of Politics and International Relations at Keele University Sanjay, Professor of Political Science, Centre for the Study of Geopolitics, Department of Political Science, Panjab University, India. “Climate Terror A Critical Geopolitics of Climate Change.” May 15, 2015.

The world’s most high- tech navy runs counter- piracy missions off the coast of Somalia, essentially serving as a taxpayer- funded security force for private shipping companies ... Super- empowered and quickly deployable, the Pentagon has become a one- stop shop for any policy objective, no matter how far removed from traditional warfare. (Cambanis 2012) Climate change is just one of these non- traditional policy/security areas under the increasing influence of the military. As the US military learns from, heeds and utilizes the strategic lessons and structural forms of new social movements (like the environment movement), it has also co- opted the language and moral superiority of environmental movements. Particularly, the politics of climate change have now been increasingly used by militaries around the world to broaden their policy reach. Cambanis contends that the Pentagon has emerged as a progressive voice in energy policy, endorsing climate change and financing research into renewable energy sources. He goes on to state: With little fanfare, the Pentagon – currently the greatest single consumer of fossil fuels in all of America, accounting for 1 per cent of all use – has begun promoting fuel efficiency and alternate energy sources through its Office of Operation Energy Plans and Programs. Using its gargantuan research and development budget, and its market- making purchasing power, the Defense Department has demanded more efficient motors and batteries. Its approach amounts to a major official policy shift and huge national investment in green energy, sidestepping the ideological debate that would likely hamstring any comparable effort in Congress. (ibid.) This move towards more efficiency (and an increasing interest in extracarbon technologies) is of particular interest here. In this manner, climate change moves from just a threat-multiplier to a force multiplier, allowing the US military to operate in ‘external fields’ more efficiently, for longer periods away from the Homeland. This is critical as conflict points are increasingly unpredictable as to their location, existing outside from more costly, more permanent bases. The adoption of ‘greener’, more mobile ‘combat HQs’ allows force to be deployed for longer, and more flexibly. In an article which largely focuses on the Australian military’s response to green initiatives, Press et al. list some of the green combat initiatives deployed by North American defense forces: The US Army is developing an electric vehicle fleet in order to reduce its reliance on fuel on the battlefield. The US Department of Defense is increasingly turning to microgrids to ensure self- contained energy generation and assuredness during critical operations. There are 454 renewable energy initiatives currently underway or under development by the Department. The development of more efficient and longer lasting batteries and fuel cells to provide portable power systems for troops is a US defence priority. In 2010, the US Air Force conducted the first successful test flight of an aircraft powered by a biofuel blend. It aims to use alternative fuels for 50% of its domestic needs by 2016. Increased use of alternative fuels in US tactical fleets and systems is an important consideration for ADF capability planners seeking fuel interoperability between national platforms. (Press et al. 2013: 27) Also, in a report released by the US Department of Defense in 2011, commonly referred to as the ‘Pew Project on National Security, Energy and Climate’, arguments pertaining to the morality and rhetoric of cleaner carbon futures, coupled with force multipliers, were both evident (Schario and Pao 2011): The U.S. Department of Defense (DoD) is accelerating clean energy innovations in an effort to reduce risks to America’s military, enhance energy security and save money, according to a report released today by The Pew Charitable Trusts. ‘From Barracks to the Battlefield: Clean Energy Innovation and America’s Armed Forces’ finds that DoD clean energy investments increased 200 per cent between 2006 and 2009, from $400 million to $1.2 billion, and are projected to eclipse $10 billion annually by 2030. ‘As one of the largest energy consumers in the world, the Department of Defense has the ability to help shape America’s energy future,’ said Phyllis Cuttino, director of the Pew Clean Energy Program. ‘DoD’s efforts to harness clean energy will save lives, save money and enhance the nation’s energy and economic future. Their work is also helping to spur the growth of the clean energy economy.’ Climate Security and Militarization 151 The work of Emily Gilbert is particularly salient here. She argues the US 2010 Quadrennial Defense Review builds on the previously mentioned Center for Naval Analyses (CNA) report of 2007, which connects climate change with failed states, humanitarian aid, terrorism and mass migration scenarios (Gilbert 2012: 2). She critiques this trend for several reasons. Firstly, the military takes a narrow, traditional view of security, as we’ve already described above. This is based on nationalistic, defensive, territorial lines, viewed in statist terms. It is furthermore a model of external threats, based on the idea of resource conflict, which, coheres easily with the competitive frame that has been established between China and the US, as they vie not only for economic ascendency and resource- acquisition, but also for energy security and environmental policies and initiatives. In this vein, Thomas Friedman has proposed a militant green nationalism, something along the lines of a triumphalist Green New Deal that will recapture US global hegemony. (Friedman 2009 quoted by Gilbert 2012: 3) In this manner, the military is further legitimized, ‘to the detriment of formal and informal politics’ (Gilbert 2012: 4). In their expanded roles as providers of disaster and humanitarian relief, they are given entrée to, or encroach upon, the roles of civilian development and aid: ‘This is part of a worrisome trend of the rise of an “ aid- military complex” and military “encroachment” on civilian- sponsored development’ (Hartmann 2010: 240). Furthermore, the militarization of the phenomenon does not address the causes of climate and environmental insecurities in any way. There is never any discussion of the fact that the vast majority of the earth’s resources are consumed by an ever- decreasing few. It merely entrenches the role of the military in defining the problem – in the worst- possible- outcome/worst case scenario sort of way, and this becomes ‘the basis for actions in the present’ (Gilbert 2012: 4). Her second major concern is that the environment is being mobilized and cast as the enemy. Again, this reality has already been alluded to in this chapter’s opening pages, but Gilbert provides a useful addition to this discussion, as she argues that this has the useful effect of resurrecting and perverting a view of ‘the commons’ which now actually serves to defend national interests, as opposed to genuinely common ones: Either way, nature is an externality to be managed as the resurrection of the concept of ‘the commons’ in these debates affirms 152 Climate Terror (see Posen 2003). Advocacy groups and government representatives alike are using the ‘commons’ to inform their perspectives on climate change security. Abraham Denmark and James Mulvenon explicitly delineate the concept’s legacy to Garrett Hardin’s controversial piece, ‘The tragedy of the commons,’ and his argument that ‘Freedom in a commons brings ruins to all’ (Denmark and Mulvenon 2010: 7– 8). Rather than privatization, the contemporary version of the polemic posits that military force is necessary to prevent the misuse and abuse of navigable passageways. (Gilbert 2012: 5) Gilbert refers to the ‘complex web of collaborations’ addressing climate change, which she describes as a ‘ military- industrial- academic- scientific complex’ (2012: 6). Transformative technological innovations are presented as being of immense social benefit, and hence, it becomes easier to justify enormous amounts of money being transferred to the military and its privatized civilian partners to work on these carbon friendly technologies. The problem, of course, of funneling resources (however green) through the military is that resources are drained from other sectors, ‘unless they are working in partnership with the military’ (2012: 8). Meanwhile, returned military personnel are reintegrated into civilian life through various ‘green’ mechanisms, like ‘green training’ and ‘green jobs’ initiatives. This is just another way of legitimating spending on the military: Domestic measures to address energy security are put forward as calculable, rational and even compassionate measures, while the ‘foreign’ threat is presented as non- state, elusive, and undetermined – and hence coherent with much of the discourse around diffuse ‘new wars’ and terrorist threats (Kaldor, 2006). At the same time, there is also greater convergence between the inside and the outside, and between the environment and the military in the ways that the discourses are mobilized and mapped out (Cooper, 2006). Indeed, as Mikkel Vedby Rasmussen notes, there is a coherence between pre- emptive military doctrines and precautionary environmental strategies: both are based upon a rationale for urgent action based on anticipated future disaster scenarios (Rasmussen 2006: 124). Notably, however, it is only when environmental issues are harnessed to security claims that the precautionary approach gains traction. (Gilbert 2012: 10) Climate Security and Militarization 153 Ferguson would argue that this is typical of militarism’s ‘double move’: on one side of the coin, war is constructed as being ‘over there’; whilst on another side, the ‘second move saturates our daily lives with warness’ (Ferguson 2009: 478). Conclusion The environmental and climate change movements have been captured by the military. Not only has the grand narrative of climate change been co- opted, warped and re- routed by the proponents of green security¸ the very forms of new social movement resistance have been copied and reworked to suit these most recent geopolitical moments. In these multi- layered, multi- directional spaces, neo- liberal economics and neosecurities are one. At this chapter’s outset, we described the forceful emergence of neo- liberalism as an economic doctrine in the late 1970s and 80s. By the time of the first Earth Summit (1992), narratives of security had also begun to weave their way into environmental doctrines in much the same way as economics had done in the decade earlier. Perhaps we have to question what new social movements are? Perhaps there is as much a Security Movement as there is a Neo- Liberal Movement, as there is an Environmental Movement. All these movements are, in their current form, off- springs of capitalism. The widely- held concept that ‘true social movements’ emerge from the bottom- up (are grass- roots by definition), and radically challenge the status quo (Doherty 2002), needs to be questioned. Perhaps it is the 21st Century’s Neo- Security Movement (NSM) which is, in fact, the most powerful new social movement (NSM) on the planet. Like the environmental movement, and the neo- liberal movement which followed it, the neo- security movement has moved to define every part of our lives, in both the public and private spheres, inside and outside the state. Perhaps the NSM is the ultimate NSM. But NSM theory is only appropriate in post- political societies, sometimes found in the global North, where capitalism ‘has won’. In most parts of the Indo- Pacific, where people battle for daily survival, the language of post- politics actually strips away the importance of their place – and that place determines how they will live, how long they will live for, and how they will die (Catney and Doyle 2011). In this construction of omniscient climate security, there is no distinction between luxury emissions and survival emissions. They have been washed away. The politics of repression has been stripped out of Indo- Pacific geo- economic equations. 154 Climate change in the continuum constructs global spaces – in this case the Indo- Pacific – as connected threads of gold through lawless darknesses; as networks, pathways and trading songlines through black waters and evil airs held together by strings of liberal values. The depiction of nature is still a realist one – the essential nature of nature is a maelstrom, is still anarchical – and nation- states (at least the good and the true ones) must order it, and call its marauding tribes to account. This is omniscient security. It secures the earth using a climate narrative which cannot be seen, smelt or touched in the lifetimes of humans. It strikes everywhere and nowhere at once. It is arbitrary and can be deployed only by the most powerful and their piecemeal coalitions to protect the ‘free flow’ of capital. It is both a conflict and force multiplier. This latter interpretation allows the US military and its temporal allies to strike harder for longer (through greener, non- carbon energy intensive warfare) when fighting in intermittent conflict spaces away from more ephemeral combat bases and headquarters and, of course, the Homeland. In this vein, the Indo- Pacific is now largely understood (in US defense terms) as a series of geoeconomic routes and elastic zones which need to be secured; sovereignty (at least in an external affairs sense) becoming something amorphous and arbitrary (though no less powerful); and climate change is used in a manner which accentuates this idea of ‘comprehensive security’ in a ‘continuum’ or super ( non- region), sometimes called the Indo- Pacific. Accordingly, whilst advocating climate crisis imperatives, the military can now make preemptive strikes, as it is the only one which has ‘the lift capacity’ to secure trade- flows, ‘protect’ the most ‘climate vulnerable’ by ‘swarming’ to secure ‘storm surges’, and utilize both armed and unarmed ‘intervention relief’ in order to establish ‘ neo- Malthusian anticipatory regimes’ (Adams, Murphy and Clarke 2009). As a consequence, Indo- Pacific citizens and their leadership are now being made markedly insecure, disciplined by predominantly foreign geoeconomic forces. This is simply plutocracy – the rule of a wealthy global elite – desecuritizing and disciplining weaker domestic economies and democracies. This is a very different kind of ‘foreign policy’. In its place, there is a re- securitization; but one which only further secures the power of the elite to the detriment of the many. New geo- economic lines, new geopolitical maps are drawn marking new borders and boundaries between the haves and the have- nots, crossing and then erasing the histories, cultures and politics of troublesome nation- states Climate Security and Militarization 155 and non- states. This is a new type of colonization: a transition from state- led to TNC- led colonization, ably supported and protected by powerful (but at the same time declining) military regimes such as the United States, the very same country which refused to sign the Kyoto Protocol as it cut too deeply into its cherished notion of freedom.

#### Paris commitments can’t solve warming

Hickel, 17 (Jason Hickel “The Paris climate deal won’t save us – our future depends on de-growth” accessed online 10/31/21 https://www.theguardian.com/global-development-professionals-network/2017/jul/03/paris-climate-deal-wont-work-our-future-depends-degrowth)

When Donald Trump pulled the United States out of the Paris climate deal, the world reacted with outrage. And rightly so: the agreement represents a remarkable achievement in international diplomacy – a breakthrough after 20 years of failed climate negotiations. But as we rally to defend the Paris deal against the onslaught of an ill-informed bully, we need to resist the temptation to cast the agreement as some kind of saviour. If you look closely at the Paris agreement, you’ll notice a curious contradiction. The text commits the world’s governments to limiting global warming to no more than 2C above preindustrial levels. But, strangely enough, the emissions reductions that countries have pledged don’t actually get us there. Far from it. Even if all the world’s countries meet their targets (which is very unlikely, since the targets are non-binding) if we do nothing else we’ll still be hurtling toward more than 3C of global warming, and possibly as high as 4.4C. Way over the threshold. What might our planet look like if it warms by 4C? No one can say for certain, but projections show that this level of warming is likely to bring about heatwaves not seen on Earth for 5m years. Southern Europe could dry up into a desert. Sea levels could rise by 1.2 meters before the century is out, drowning cities like Amsterdam and New York. Furthermore, 40% of species will be at risk of extinction. Most of our rainforests will wither away. Crop yields could collapse by 35%, destabilising the world’s food system and triggering widespread famine. In short, a 4C world looks very bleak indeed. So why is nobody sounding the alarm about this? Why is nobody freaking out? The Paris agreement assures us that everything will be OK. But scientists are not so convinced. The climate science recognises a clear de-growth imperative Here’s the backstory. The Paris pledges rely on mitigation scenarios reviewed by the Intergovernmental Panel on Climate Change (IPCC). Over the past couple of decades, modellers have been busy devising hundreds of different scenarios, or “pathways”, for how much we need to cut our emissions if we want a decent chance of averting catastrophic climate change. But the numbers would have revealed rather inconvenient fact. The necessary emissions reductions turn out to be so steep that getting there requires that we slow down and gradually reverse the pace of economic growth. Perhaps as a result, the pathways devised by the modellers now relied on the assumption that sometime in the near future – by around 2020 – we will have “negative emissions technologies” up and running, which will pull carbon out of the atmosphere. Speculating on the hope of future technology, suddenly the IPCC was assuring us that we can get by with much more relaxed emissions reductions. We can keep our existing economic model intact, it said – and rich countries can maintain their high levels of consumption – so long as we can figure out a way to pull carbon out of the atmosphere. There are lots of ideas out there for how to do this, like seeding the soil with pulverised rocks, or pouring iron into the ocean to stimulate plankton growth (now discredited). But the IPCC relies on one in particular, which it considers the most promising. It’s called Beccs, which stands for “bio-energy with carbon capture and storage”. Basically, the idea is to develop enormous tree plantations that will suck carbon out of the atmosphere. Then we harvest them, turn them into pellets and ship them around the world to power stations to be burned for energy, capturing the carbon emissions and storing the gases deep under the ground, where they won’t have any impact on the climate. Voila – an energy system that pulls CO2 out of the sky. What’s not to love? Beccs features in more than 80% of the IPCC pathways, which means it sits at the very centre of the Paris agreement – even though it is not mentioned in the text. But there is a growing consensus among scientists that Beccs won’t work. The technology has never been proven at scale, and there’s no way it will appear in time to save us. Even if it did, it would require that we create plantations equivalent to three times the size of India, which would eat up one-third of the planet’s arable land, according to Kevin Anderson, deputy director of the Tyndall Centre for Climate Change Research. This would make it impossible for us to feed the world’s population. And transforming that much land into bio-energy monoculture would trigger ecosystem collapse that could be disastrous for all of us. In other words, Beccs is simply not feasible. Governments could have been honest about the extent to which their pledges rely on Beccs, giving us all a chance to scrutinise the plan and push for a better one. Instead we’ve been left hanging our collective future on a myth. If we accept that Beccs won’t save us, we have to face up to some difficult truths. For one, we need to commit to much more aggressive emissions reductions. Anderson argues that to have a 50% chance of keeping below 2C, industrialised countries will have to cut emissions by 8-10% per year (beginning in 2015) until net zero in 2050. That might sound easy on paper, but it’s remarkably difficult. Even if we throw everything we have into efficiency improvements and renewable energy technologies, they will help us reduce emissions by at most 4% per year. So how do we bridge the rest of the gap? Well, industrialised countries will have no choice but to downscale their economic activity by 4-6% per year. And poor countries are going to have to follow suit after 2025, downscaling by about 3% per year. In other words, the climate science recognises a clear de-growth imperative. De-growth might sound scary, but it’s really not. All it means is easing the intensity of our economy, cutting the excesses of the very richest, sharing what we have instead of plundering the Earth for more, and liberating ourselves from the frenetic consumerism that we all know does nothing to improve our wellbeing or happiness. Scholars are already busy sketching out how this might work, but one thing is for sure: it won’t look anything like global capitalism as it exists today. And that’s OK – evolution is good. After all, no one says “this is the best novel or sculpture or smartphone ever and will never be surpassed”. So why be timid about imagining our way beyond capitalism? We face a stark choice: either we act now, right-sizing our economy and managing the transition in a careful and controlled way, or climate change will do it for us. If we wait for the latter option it will be unimaginably destructive and chaotic. According to Nicholas Stern of the London School of Economics, 4C of global warming will cost us at least 5% of global GDP per year indefinitely, and possibly as much as 20% – economic crisis on a scale never seen before. This should shock us out of our climate complacency. The Paris agreement is a step in the right direction, but it needs to be much stronger. We need a deal that locks down ambitious emissions reductions – without fear of offending the powers that be – by pointing us in the direction of a new and better economy. Our future depends on it.

# 2NC

#### Utilitarianism under capitalism it necessitates the sacrifice of the Global South---only actively prioritizing discardable populations can break this cycle of devastation.

Santos 3, Leading Portuguese social theorist, director of the Center for Social Studies at the University of Coimbra, has written and published widely on the issue of globalization (Boaventura de Sousa, March 26th, “Collective suicide or globalization from below?” *Eurozine*, <https://www.eurozine.com/collective-suicide-or-globalization-from-below/>, Accessed 10-18-2021)

According to the German philosopher Franz Hinkelammert, living in Costa Rica, the West has repeatedly been under the illusion that it should try to save humanity by destroying part of it. This is a salvific and sacrificial destruction, committed in the name of the need to fulfill radically all the possibilities opened up by a given social and political reality over which it is supposed to have total power. This is how it was in colonialism, with the genocide of indigenous peoples, and the African slaves. This is how it was in the period of imperialist struggles, which caused millions of deaths in two world wars and many other colonial wars. This is how it was in Stalinism, with the Gulag and in Nazism, with the holocaust. And now today, this is how it is in neoliberalism, with the collective sacrifice of the periphery of the world system. With the war against Iraq, it is fitting to ask whether what is in progress is a new genocidal and sacrificial illusion, and what its scope might be. It is above all appropriate to ask if the new illusion will not herald the radicalization and the ultimate perversion of the western illusion: destroying all of humanity in the illusion of saving it.

Sacrificial genocide arises from a totalitarian illusion that is manifested in the belief that there are no alternatives to the present-day reality and that the problems and difficulties confronting it arise from failing to take its logic of development to its ultimate consequences. If there is unemployment, hunger and death in the Third World, this is not the result of market failures; instead, it is the outcome of the market laws not having been fully applied. If there is terrorism, this is not due to the violence of the conditions that generate it; it is due, rather, to the fact that total violence has not been employed to physically eradicate all terrorists and potential terrorists.

This political logic is based on the supposition of total power and knowledge, and on the radical rejection of alternatives; it is ultra-conservative in that it aims to infinitely reproduce the status quo. Inherent to it is the notion of the end of history. During the last hundred years, the West has experienced three versions of this logic, and, therefore, seen three versions of the end of history: Stalinism, with its logic of insuperable efficiency of the plan; Nazism, with its logic of racial superiority; and neoliberalism, with its logic of insuperable efficiency of the market. The first two periods involved the destruction of democracy. The last one trivializes democracy, disarming it in the face of social actors sufficiently powerful to be able to privatize the State and international institutions in their favour. I have described this situation as a combination of political democracy and social fascism. One current manifestation of this combination resides in the fact that intensely strong public opinion, worldwide, against the war is found to be incapable of halting the war machine set in motion by supposedly democratic rulers.

At all these moments, a death drive, a catastrophic heroism, predominates, the idea of a looming collective suicide, only preventable by the massive destruction of the other. Paradoxically, the broader the definition of the other and the efficacy of its destruction, the more likely collective suicide becomes. In its sacrificial genocide version, neoliberalism is a mixture of market radicalization, neoconservatism and Christian fundamentalism. Its death drive takes a number of forms, from the idea of “discardable populations”, referring to citizens of the Third World not capable of being exploited as workers and consumers, to the concept of “collateral damage”, to refer to the deaths, as a result of war, of thousands of innocent civilians. The last, catastrophic heroism, is quite clear on two facts: according to reliable calculations by the Non-Governmental Organization MEDACT, in London, between 48 and 260 thousand civilians will die during the war against Iraq and in the three months after (this is without there being civil war or a nuclear attack); the war will cost 100 billion dollars, – and much more if the costs of reconstruction are added – enough to pay the health costs of the world’s poorest countries for four years.

Is it possible to fight this death drive? We must bear in mind that, historically, sacrificial destruction has always been linked to the economic pillage of natural resources and the labor force, to the imperial design of radically changing the terms of economic, social, political and cultural exchanges in the face of falling efficiency rates postulated by the maximalist logic of the totalitarian illusion in operation. It is as though hegemonic powers, both when they are on the rise and when they are in decline, repeatedly go through times of primitive accumulation, legitimizing the most shameful violence in the name of futures where, by definition, there is no room for what must be destroyed. In today’s version, the period of primitive accumulation consists of combining neoliberal economic globalization with the globalization of war. The machine of democracy and liberty turns into a machine of horror and destruction.

#### Link turns case---Biden’s DOJ is full of neoliberal shills who will systematically underenforce anti-trust law.

Alsbergas & Moran 21, Research assistants at the Revolving Door Project at the Center for Economic and Policy Research (Elias & Max, February 23rd, “It’s Looking Like the Department of Justice Under Biden Will Have Major Influence from Corporate Law,” *Jacobin Magazine*, <https://www.jacobinmag.com/2021/02/corporate-power-amazon-big-law-department-of-justice-biden>, Accessed 10-16-2021)

It’s kind of trite, but personnel is policy. That goes doubly for the people you keep around you who aren’t on the books. People like Gorelick thrive because their relationships and their work are not scrutinized. This is how Biden is able to get away with the fact that unions helped put him in the Oval Office but some of his highest-level appointees have deep long-standing relationships with people who are anathema to labor’s agenda.

Biden is clearly signaling — and in some cases, moving — in a more left-wing direction on issues including labor, the environment, and so on. He’s certainly moving to the left of where Obama was at this point in his presidency. But a great number of the people who are staffing his administration across the board are still part of the same neoliberal groups that came up under Bill Clinton. They got their start in Democratic Party politics during the Reagan years, and that is still the frame through which they view a lot of these issues.

You’re seeing some of that, maybe, a little bit, begin to change. But absent significant pressure, the path of least resistance, and the path which Biden and his people are going to take, is to bring back the same people who have been doing and failing at these jobs for the last forty years.

#### Anti-trust makes tech more unethical---small companies expand surveillance capitalism and divide privacy along classist lines.

Kwet 20, PhD in Sociology from Rhodes University and is a Visiting Fellow of the Information Society Project at Yale Law School (Michael, Fixing Social Media: Toward a Democratic Digital Commons, *Markets, Globalization & Development Review*, Vol. 5, No. 1, Article 4. DOI: 10.23860/MGDR-2020-05-01-04)

A Skeptical View of the Neo-Brandeisian Perspective

Creating multiple, competing social media platforms sounds nice until one starts thinking about how digital capitalism works. For starters, in order to turn profits, a corporation needs to generate revenue. One way to do this is to spy on users and monetize their data for marketing such as through personalized ads. People generally do not like surveillance or ads, so the corporations owning the platform have to force it on them. Ads can only be imposed on people because social media networks own and control the infrastructure, which they run as centralized networks on their corporate clouds. Even with more competitors, each company would still own and control the infrastructure, so they can all impose an ad-based revenue model on their users.

In fact, we already see this in the app marketplace. Seventy percent of the apps in the two most popular app stores, Google Play and Apple iOS, have hidden app trackers that spy on users (Vallina-Rodriguez et al. 2016, O’Brien and Kwet 2018). There are millions of apps, yet “competition” does not stop apps from spying on users. In fact, apps compete to spy on users, and users cannot do anything about it except stop using their beloved apps, because these are proprietary software applications that cannot be controlled by the users. There is no reason to assume competition among profit-seeking social networks will end differently.

A second possibility within the neo-Brandeisian framework is to charge users to access their services. Paid networks would then offer people a service that pledges to protect their privacy such as no data monetization. The “pay-for-privacy” option, however, is ethically flawed. Most of the world’s people have little or no disposable income (Hickel 2019). Poor people would be forced to use “free” surveillance-based networks, while the wealthy would pay to preserve their privacy. To fix this problem, one might advocate serving users ads without exploiting their data for personalization. This, too, is problematic. Most ads are involuntary corporate propaganda designed to manipulate people into buying more stuff. Bombarding people with ads all day pushes an environmentally destructive consumerist lifestyle on the world precisely at the time when we need to scale back overconsumption in rich countries and produce things that are needed in poorer countries, in order to transition to a sustainable and egalitarian global economy.

The real problem is we want a free and equitable social networking experience that respects privacy, provides the desired experience of users, and supports democracy; but we cannot deliver it in a capitalist system. A capitalist social network is enticed to profit and grow, which cannot be achieved without user exploitation or the generation of inequality. Indeed, business strategy scholars as well as political analysts understand it all too well – the prevailing conditions favor winner-take-all models (Hill 1997).

#### 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.

#### Right wing populism is inevitable under capitalism---only the alt solves.

Fuchs 18, Professor of Media, Communication & Society at the University of Westminster, where he is the Director of the Communication and Media Research Institute. (Christian, “Racism, Nationalism and Right-Wing Extremism Online”, *Critical Theory and Authoritarian Populism*, pg. 184-186, London: University of Westminster Press)

The crisis of capitalism has resulted in an intensification and extension of right-wing extremism that promises simple xenophobic and new racist solutions to social problems. The intensification of online right-wing extremism is a manifestation of this tendency. There are no easy fixes to this unsettling reality. Only profound social, political, socio-economic, educational and cultural responses can ground an effective form of contemporary anti-fascism. Slavoj Žižek (2016, 100) argues that what is needed is ‘a positive universal project shared by all participants’, a project for the commons that makes different suffering groups see that they ‘are parts of one and the same universal struggle’ (101). Such a project is commonly called ‘socialism’. Given the inherent connection of capitalism, nationalism and new racism, a fundamental change of power relations, the economy and politics is needed in order to avoid the possibility of a ‘fascism-producing crisis’ (Eley 2015, 112).

#### Anti-trust is neoliberal propaganda to save capitalism---we should instead abandon our faith in competitive markets altogether. The left has energy towards socialism now, all the plan does is dampen that.

Henwood 21, Edits Left Business Observer and is the host of Behind the News. His latest book is My Turn (Doug, July 17th, “Why Socialists Should Distrust Antitrust,” *Jacobin Magazine*, <https://www.jacobinmag.com/2021/07/antitrust-law-monopolies-small-business-competition-large-corporations-bigness>, Accessed 07-21-2021)

Nor is it clear how introducing competition would improve the quality of service. One of the lures of Facebook, for those subject to the lure, close to three billion users at the most recent count, is that so many people are on it. That facilitates communication. Breaking it up into competing services would be like making an AT&T phone customer incapable of contacting a Deutsche Telekom subscriber.

Behind antitrust is a faith in competition as a positive good. As socialists we should take exception to that. We already have too much competitive individualism in this society, and we don’t need any more. We need solidarity. Stimulating the war of each against all isn’t the way to get there.

A better way to handle bigness is to regulate the behemoths and encourage the growth of unions. That would do more to improve working conditions at Amazon than turning it into four or twenty little Amazons. As political economist Sam Gindin pointed out in an interview on my radio show, the deregulation movement of the 1970s and 1980s was a war on regulated oligopolies, and it was accompanied by union busting, wage cuts, and job losses. That could be a portent of life under monopoly busting.

Why is antitrust getting the attention of liberals these days? In his book on the history of American corporate governance, law professor Mark Roe notes that Franklin Roosevelt saw it as a war against “private” socialism that could stave off “government” socialism. We may be seeing something similar now. With socialism polling decently, socialists working their way into the Democratic Party, and the business class in disrepute with much of the population — Gallup reports that 73 percent of the public is either somewhat or very dissatisfied with major corporations, compared to 48 percent in 2001 — pursuing antitrust may be a campaign to restore the prestige of capitalism itself. Fronting small business as the emblem of commerce is a classic bourgeois self-defense strategy.

There’s nothing magic about smallness. Vincent Carosso ends his huge book on the Morgan banking family by quoting an unnamed socialist refusing to curse the peak Morgan, J. P., on his death: “We grieve that he could not live longer, to further organize the productive forces of the world, because he proved in practice what we hold in theory, that competition is not essential to trade and development.” It’s a sentiment worth recovering.

#### Socialist degrowth solves climate best.

Molyneux 19, is an editor of Irish Marxist Review and a supporter of People Before Profit (John, October 1st, “Socialism is the only realistic solution to climate change,” *Climate and Capitalism*, <https://climateandcapitalism.com/2019/10/01/why-socialism-is-the-only-realistic-solution-to-climate-change/>, Accessed 08-28-2021)

A lot has been written, including by myself, on why capitalism, by its very nature, cannot tackle or stop climate change. The purpose of this article is not to repeat those arguments but to make the positive case for socialism as necessary to deal with this existential crisis for humanity.

By socialism I mean simply the combination of two things: public ownership and democratic control of production and society.

By public ownership I mean not the elimination of personal private property or the nationalization of every small business and corner shop but of the main banks, corporations, industries, services and utilities. For example, public ownership of bus and transport networks, of the health service, of one main state bank and one main state insurance company, of social housing, of waste management, of water, electricity, gas, wind and solar power production, of Larry Goodman’s ABF Food Group, of Denis O’Brien’s Communicorp and so on.

By democratic control I mean that each major workplace — each hospital, factory, train station, school, university, construction company etc. — should be run by the elected and re-callable representatives of its workforce, within the context of a democratic plan for the economy and society as a whole. That would need to be proposed by government based on and accountable to democratically elected popular assemblies.

Without large scale public ownership, capitalism and the laws of the capitalist market will continue to dominate and this will have disastrous consequences for the environment as it has done already. Without democratic control you have not got socialism but state capitalism[1] with a new ruling class of state bureaucrats which, as has been seen in Stalinist Russia and in China, also has terrible ecological consequences because it subordinates the needs of the people and nature to accumulation for accumulation’s sake in competition with other states.

Only through socialism will it be possible to generate both the political will at the top and the genuine popular support and collaboration to achieve the immense coordinated transformation of the national and international economy necessary in the current emergency. Only public ownership and democratic planning can coordinate the establishment and expansion of free public transport, the urgent transition to renewal energy, the mass retrofitting of homes and a vast program of aforestation and rewilding.

A Just Transition

Most of the climate and environmental movement support the idea of a just transition but only socialism with its commitment to ending class privilege and inequality can actually deliver this. In any society where there are billionaires alongside homeless people, and immense divisions between rich countries and poor countries as a result of imperialism and globalized capitalism, all attempts at transition to ending carbon emissions, even where they are made, will inevitably be structured and blighted by this inequality. The rich will look to protect themselves and their life styles in gated communities in the uplands while trying to shift the burden of paying for the transition onto ordinary people.

Take the example of transport. If, as is absolutely essential, we get people out of the private car and onto free public transport, what will be the consequences of this? Under capitalism it will mean the bosses of the giant auto companies (Volkswagen, Toyota, General Motors etc) will see which way the wind is blowing, loot their own companies and put the proceeds in their Swiss bank accounts, while throwing their hundreds of thousands of workers on the scrap heap. Under socialism the auto industry CEOs and big shareholders could be relieved of their ill-gotten gains while the rundown of the industry is managed in a way that retrains and re-employs the workers in socially useful work, e.g. building wind turbines or buses.

The same applies to flying. If air travel were to be reduced, as it must be to save the planet,[2] under capitalism this would most likely be done by a price mechanism so that executives would continue to jet round the world to their conferences while ordinary people had to give up their holidays to Spain and the Greek Islands. That in turn would mean redundancy for airline workers and crisis in the Spanish and Greek tourist industry. Again only socialist planning could solve this.

And it would be the same for the utterly deadly coal industry. When Margaret Thatcher destroyed the British coal industry in 1984-5 she did it for entirely capitalist ‘economic’ reasons — there wasn’t an ounce of environmentalism in it — but the effect on mining communities and villages was devastating; many have still not recovered. Avoiding such communal destruction on a vastly greater scale requires socialist planning.

Thinking Globally

Climate justice on a global scale is totally unthinkable without socialism. Five hundred years ago the different continents and regions of the world were roughly at the same level of economic development; for example China was every bit as economically advanced as Europe and India was seen as a rich country. Centuries of capitalism, slavery and imperialism, with the latter growing out of the former, created an immensely uneven world; industrial production, wealth and power became concentrated in the so-called advanced ‘West’ — essentially Europe and North America—with poverty, starvation and lack of industrial development concentrated in Asia, Africa and Latin America, now usually called the Global South.

This pattern has changed somewhat in recent decades with massive capitalist development in China and other parts of South and East Asia but it is still a massive reality across much of the world. Historically and still today the peoples of Asia, Africa and Latin America have contributed least to climate change but will be hugely disproportionately affected by it. For example a 1.5-2 C global temperature increase will be a death sentence for much of Africa because it will destroy their agriculture; melting Himalayan glaciers and rising sea levels will utterly devastate the deeply impoverished Bangladesh.

This cannot be challenged or dealt with without socialist redistribution of wealth and socialist planning internationally. Only socialist internationalism based on the common interests of the world’s working people could achieve such international cooperation; any capitalist option, no matter how ‘green’ its intentions, would degenerate into national and international rivalries which would destroy any coherent international planning.

Then there is the question of overall economic growth. There is a growing view in the environmental movement that the idea of continuous economic growth is completely unsustainable. Greta Thunberg, in her speech to the UN, spoke of “fairy tales of eternal economic growth.”

But under capitalism stagnation or, even more so, de-growth is an immediate crisis, a recession when it is short and a ‘great depression’ when it is extended, spelling mass unemployment, poverty and austerity (with the risk of fascism thrown in). This is because capitalism has a drive to growth built into its very fabric. Achieving a non-growth economy (measured in terms of GDP) or, should it prove essential, a de-growth in certain areas would also only be possible on the basis of socialist planning combined with the popular consent that would come from mass involvement in the democratic planning process.

#### 1---Reject neoliberal optimism---all their green growth evidence is aspirational and disproven by status quo trends and empirics.

Brand and Wissen, 21

[Ulrich, PhD Poly Sci @ Goethe University, Prof. Int’l Politics @ U Vienna; and Markus, Prof. Social Sciences specialising on socio-ecological transformation @ Berlin School of Economies and Law: “False Alternatives: From the Green Economy to a Green Capitalism?” Chapter 7 in The Imperial Mode of Living: Everyday Life and the Ecological Crisis of Capitalism (2021) published by Verso Books. ISBN: 978-1-78873-936-8]//AD

Green capitalism is anything but inevitable. In many places, the creation of a green economy has encountered resistance from the fossil factions of capital and from people’s everyday practices. In the US especially, these forces have received an additional boost with the presidency of Donald Trump. There is a boom in the extraction of oil and gas through fracking, in tar sand oil extraction and in the exploration and exploitation of deep sea fossil energy sources. 42 In the EU, the transition to a renewable energy regime is slowed down by the Visegrád Group (Poland, the Czech Republic, Slovakia and Hungary). And even in places where green capital factions and practices are becoming socially relevant, they are in constant conflict with retrograde social forces. This description even applies to the ‘pioneer’ in renewable energies, Germany, where powerful social forces from industry, energy suppliers and trade unions are increasingly aggressive in articulating their resistance to the energy transition and find political advocates in state apparatus such as the German Federal Ministry for Economic Affairs and Energy.

#### 2---Decoupling is insufficient---efficient growth still overwhelms planetary boundaries.

Alexander & Rutherford 19, Co-director of the Simplicity Institute, is a lecturer at the Office for Environmental Programs, University of Melbourne, Australia, \*Coordinator of the New International Bookshop and a 'Simpler Way' activist (Samuel & Johnathan, A Critique of Techno-Optimism: Efficiency Without Sufficiency is Lost, *The Handbook of Global Governance*, http://samuelalexander.info/publications/)

The figures are confronting, to say the least. Let’s assume, as with the Ward et al (2016) scenario, that continuous economic growth at a modest 2.41% growth rate leads today’s developed nations (i.e. OECD) to expand their economies eight-fold by 2100. Let us also assume that by this time the world population will have reached 11 billion, in line with median U.N projections (UNDSEA, 2017). Let us finally assume that this population has by the end of the century, caught up to the per capita incomes of the OECD. If this scenario were ever to be achieved, the global economy would end up approximately 28 times larger than it is today!

Needless to say, ecosystems are already trembling under the pressure of one ‘developed world’ at the existing size. Who, then, could seriously think our planet could withstand the equivalent of a 28-fold increase in the size of the global economy? The very suggestion is absurd, and yet this very absurdity defines the vision of the global development agenda. It is the elephant in the room. If we remember that humanity is already in ecological overshoot by 70 per cent, then to achieve long-term sustainability humanity would need to achieve a factor 48 reduction in overall environmental impact (i.e. resource use, carbon emissions) per unit of GDP. Compare this 48-factor reduction with the 5-factor reductions that some techno-optimists think might be achievable via an efficiency revolution which has historically failed to fulfil its promise (Von Weizsacker, 2009; Lovins, 1998). Accordingly, even if these figures are overstated by an order of magnitude, the point would remain that efficiency gains could not possibly be expected to make the projected amount of GDP growth sustainable. The levels of decoupling required would simply be too much (Huesemann and Huesemann, 2011; Trainer, 2012). To think otherwise is not being optimistic but delusional.

#### 3---Renewables under capitalism heighten colonial exploitation and environmental destruction.

Hickel 19, PhD, Fellow of the Royal Society of Arts, Senior Lecturer at Goldsmiths, University of London. (Jason, 5-6-2019, "The Limits of Clean Energy", *Foreign Policy*, <https://foreignpolicy.com/2019/09/06/the-path-to-clean-energy-will-be-very-dirty-climate-change-renewables/>)

The phrase “clean energy” normally conjures up happy, innocent images of warm sunshine and fresh wind. But while sunshine and wind is obviously clean, the infrastructure we need to capture it is not. Far from it. The transition to renewables is going to require a dramatic increase in the extraction of metals and rare-earth minerals, with real ecological and social costs.

We need a rapid transition to renewables, yes—but scientists warn that we can’t keep growing energy use at existing rates. No energy is innocent. The only truly clean energy is less energy.

In 2017, the World Bank released a little-noticed report that offered the first comprehensive look at this question. It models the increase in material extraction that would be required to build enough solar and wind utilities to produce an annual output of about 7 terawatts of electricity by 2050. That’s enough to power roughly half of the global economy. By doubling the World Bank figures, we can estimate what it will take to get all the way to zero emissions—and the results are staggering: 34 million metric tons of copper, 40 million tons of lead, 50 million tons of zinc, 162 million tons of aluminum, and no less than 4.8 billion tons of iron.

In some cases, the transition to renewables will require a massive increase over existing levels of extraction. For neodymium—an essential element in wind turbines—extraction will need to rise by nearly 35 percent over current levels. Higher-end estimates reported by the World Bank suggest it could double.

The same is true of silver, which is critical to solar panels. Silver extraction will go up 38 percent and perhaps as much as 105 percent. Demand for indium, also essential to solar technology, will more than triple and could end up skyrocketing by 920 percent.

And then there are all the batteries we’re going to need for power storage. To keep energy flowing when the sun isn’t shining and the wind isn’t blowing will require enormous batteries at the grid level. This means 40 million tons of lithium—an eye-watering 2,700 percent increase over current levels of extraction.

That’s just for electricity. We also need to think about vehicles. This year, a group of leading British scientists submitted a letter to the U.K. Committee on Climate Change outlining their concerns about the ecological impact of electric cars. They agree, of course, that we need to end the sale and use of combustion engines. But they pointed out that unless consumption habits change, replacing the world’s projected fleet of 2 billion vehicles is going to require an explosive increase in mining: Global annual extraction of neodymium and dysprosium will go up by another 70 percent, annual extraction of copper will need to more than double, and cobalt will need to increase by a factor of almost four—all for the entire period from now to 2050.

The problem here is not that we’re going to run out of key minerals—although that may indeed become a concern. The real issue is that this will exacerbate an already existing crisis of overextraction. Mining has become one of the biggest single drivers of deforestation, ecosystem collapse, and biodiversity loss around the world. Ecologists estimate that even at present rates of global material use, we are overshooting sustainable levels by 82 percent.

Take silver, for instance. Mexico is home to the Peñasquito mine, one of the biggest silver mines in the world. Covering nearly 40 square miles, the operation is staggering in its scale: a sprawling open-pit complex ripped into the mountains, flanked by two waste dumps each a mile long, and a tailings dam full of toxic sludge held back by a wall that’s 7 miles around and as high as a 50-story skyscraper. This mine will produce 11,000 tons of silver in 10 years before its reserves, the biggest in the world, are gone.

To transition the global economy to renewables, we need to commission up to 130 more mines on the scale of Peñasquito. Just for silver.

Lithium is another ecological disaster. It takes 500,000 gallons of water to produce a single ton of lithium. Even at present levels of extraction this is causing problems. In the Andes, where most of the world’s lithium is located, mining companies are burning through the water tables and leaving farmers with nothing to irrigate their crops. Many have had no choice but to abandon their land altogether. Meanwhile, chemical leaks from lithium mines have poisoned rivers from Chile to Argentina, Nevada to Tibet, killing off whole freshwater ecosystems. The lithium boom has barely even started, and it’s already a crisis.

And all of this is just to power the existing global economy. Things become even more extreme when we start accounting for growth. As energy demand continues to rise, material extraction for renewables will become all the more aggressive—and the higher the growth rate, the worse it will get.

It’s important to keep in mind that most of the key materials for the energy transition are located in the global south. Parts of Latin America, Africa, and Asia will likely become the target of a new scramble for resources, and some countries may become victims of new forms of colonization. It happened in the 17th and 18th centuries with the hunt for gold and silver from South America. In the 19th century, it was land for cotton and sugar plantations in the Caribbean. In the 20th century, it was diamonds from South Africa, cobalt from Congo, and oil from the Middle East. It’s not difficult to imagine that the scramble for renewables might become similarly violent.

If we don’t take precautions, clean energy firms could become as destructive as fossil fuel companies—buying off politicians, trashing ecosystems, lobbying against environmental regulations, even assassinating community leaders who stand in their way.

#### 2---Movements fail is an elite fallacy---globalization allows international labor movements to combine their power.

Tavan 21, Host of Red Flag Radio Podcast (Luka, March 7th, “Worldwide revolution is possible and necessary,” *Red Flag*, <https://redflag.org.au/article/worldwide-revolution-possible-and-necessary/>, Accessed 10-12-2021)

But capitalism’s global nature means that revolts tend to spread across national borders. Workers today share increasingly similar experiences: conditions of work, forms of consumption, lifestyles and political cultures. And the global integration of production serves to transmit struggle from one country to another. In 1974, for instance, resistance to the brutal military dictatorship in Chile spread to East Kilbride, Scotland, of all places. Workers at the Rolls Royce factory there learned that the engines they were repairing were being used by the Chilean air force to drop bombs on workers resisting the coup. They downed tools and refused to work on the engines, keeping them out of the hands of the military junta for four years.

While nationalism still has a powerful hold on the consciousness of many, it’s increasingly clear that the real line of polarisation across the globe is between the minority ruling class and the majority working class. And when revolts break out in one part of the world, people can identify with the causes and motivations of their struggles, and draw comparisons with their own situation. “Languages remain different,” observed UK Marxist Chris Harman in 1992, “but what they say is increasingly the same”. Harman’s words ring true in every wave of political radicalisation.

1968 is remembered as a year of global revolt, when millions of workers, students and oppressed people drew inspiration from each other’s movements. Activists in the US were radicalised by the heroic resistance of the Vietnamese people to American imperialism. Irish civil rights activists emulated the militant politics of the Black Panthers. When students and workers united to launch a massive general strike in France in May, it taught student radicals in Australia that they needed to link up with the power of the organised working class in order to win.

The movements of 1968 united people across superficially very different societies. For decades, Cold War common sense had dictated that the greatest divide on the planet was between Western liberal capitalism and Stalinist “Communism”. But in 1968, both sides of the iron curtain exploded in revolt. The triggers for the struggles may have been different, but they were all responses to similar issues: inequality, exploitation and war, imposed by monstrous bureaucratic states.

In 2011, a poor Tunisian street vendor set himself alight to protest against police harassment. Within days, his act had inspired anti-government protests across the country. Within weeks, the protests escalated into a regional revolt that challenged regimes across the Arab world. One small act tapped into resentment against inequality, unemployment and state violence that engulfed an entire region. The radical wave spread even further: at a massive demonstration against an anti-union bill in the US city of Madison, Wisconsin, a man held up a poster with a picture of Egyptian dictator Hosni Mubarak beside Republican Governor Scott Walker. The caption read: “One dictator down. One to go”. The Arab revolutions went on to inspire the Occupy movement, which spread to more than 80 countries.

Today, more than ever, insurgent social movements and working-class uprisings are spurring action in other parts of the world—from Hong Kong to Chile, from Lebanon to France. One placard at a memorial for protesters murdered while resisting the military coup in Myanmar took up Marx’s incitement: “Workers of the world unite, you have nothing to lose but your chains”.

While the Russian Revolution is cynically held up by capitalist ideologists as the ultimate argument against international revolution, it actually proves the opposite. It shows that the goal is not only necessary, but also that it’s possible. The news of workers seizing power in Russia, overthrowing their capitalist government and declaring their withdrawal from WWI, created shock waves across the planet. Workers in Germany rose in revolt a year later, ending the war for good and building soviets, a form of radical working-class democracy inspired by the Russian example. This was followed by uprisings in France, Italy and Hungary.

The revolutionary wave spread further. A classified British government report from 1919 noted a “very widespread feeling among workers that thrones have become anachronisms, and that the Soviet may be the best form of Government for a democracy”.

The rising tide of radicalism had an impact in Australia too. Meatworkers in the Queensland city of Townsville donned red jumpers, stormed the local police station to free jailed unionists, and placed the city under workers’ control. The editor of the conservative Townsville Daily Bulletin lamented: “Townsville for the last year or so has been developing Bolshevism ... the mob management of affairs in this city, differs very little, from the Petrograd and Moscow brand”.

The Russian Bolsheviks, the revolutionary working-class party that led the revolution to victory in 1917, didn’t just passively wait for revolutions elsewhere. They actively organised to spread the revolt. In 1919, they established the Communist International, an organisation for debate, discussion and coordination between different revolutionary workers’ parties. Revolutionaries in Russia, Italy, France, Germany, the US, Australia and elsewhere attempted to clarify and develop a strategy for overthrowing capitalism everywhere. In none of these countries was there a party like the Bolsheviks, steeled in years of organising working-class struggle to overthrow the state, and capable of leading a revolution. But for a number of years, workers came close to overthrowing capitalism in several countries.

In periods of stability, when social conservatism dominates, international revolution can seem like a pipe dream. Defenders of the status quo actively work to reinforce this illusion. But history proves that the crises that the system generates are international, and that they will inevitably provoke international resistance.

Capitalism is a global system. It requires a global movement to tear it up, root and branch. But it also makes global revolution more possible, and more likely. The most important thing that socialists can do, whether you live in Hong Kong or France, Myanmar or Australia, is to get stuck into organising for it today.

# 1NR

#### Capitalism has killed more people than communism.

Saed 21, Professor, Department of Geography, SUNY New Paltz (Salvatore Engel-Di Mauro (“Saed”), 5-4-2021, "Anti-Communism and the Hundreds of Millions of Victims of Capitalism," Capitalism Nature Socialism, Vol. 32, Issue 1, https://www.tandfonline.com/doi/full/10.1080/10455752.2021.1875603)

Comparing Capitalist and Allegedly “Communist” War Deaths and Beyond

All the wars that can be even remotely attributed to nominally socialist states (“communism”) or communist insurgents (Table 3) amount to about six million deaths (or 7.4 million, if one prefers looser estimates). This includes the estimated three million victims of the US- and PRC-supported Khmer Rouge carnage of 1975–1979, which was ended by the intervention of a most inconveniently Communist Party-led Vietnamese government. In other words, using conservative estimates, from 1945 until the “demise of communism” capitalist warfare, mostly in its liberal democratic garb (if one includes proxy warfare, as one must), killed at least three times as much as warfare from “totalitarian communism.” Moreover, liberal democratic governments alone murdered at least twice as much as “communist” governments during this same period.

<<<Table 3 omitted>>>

To sum up (Table 4), the total 1914–1992 estimated number of victims of capitalist wars ends up being about 158 million if one goes with the looser estimate (about 123 million, more restrictively). Compare this not just with the hyper-inflated assertion of the “100 million victims of communism,” which includes every possible cause one could think up, not just warfare – it then becomes rather plain how much deadlier capitalism is. This estimate amounts to some 1.6–2 million people killed each year by capitalist wars. On the other hand, allegedly “communist”-inspired warfare killed a bit less than a hundred thousand per year (even when one exaggerates the figures). In fact, even when using the partly made-up “100 million victims of communism,” the figure of 1.3 million victims per year (100 million divided by 78 years) still results in fewer deaths than capitalist warfare. To reiterate, the purpose here is not to relativise the brutality of state socialist regimes, but to put them in a wider, comparative framework. The point is to counter anti-communist propaganda. Those who think liberal democracy is peaceful and the best of possible worlds may want to rethink their position. Liberal democracies’ warfare was five to six times as murderous as that from nominally “communist” polities. Since the collapse of “communism,” at least eight million more victims (and counting) have been added to the horrific toll of capitalist wars, about 285,000–400,000 per year, with liberal democracies accounting for more than a third (Tables 4 and 5). Within three decades after the “fall of communism,” capitalist warfare has already killed more people than the historical totals of war-related deaths related to “communism.” To repeat, all this excludes capitalism-caused deaths due to famines, industrial catastrophes, and much else that capitalist apologists prefer forgotten, under-reported, or never widely known.

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But why not just cut through the rhetorical rubbish and use the death toll from the “Spanish” or “Kansas” flu (Barry 2004) as a retort to anti-communist demagogues? Using the same inflationary logic, that would already be about 100 million deaths right there, equalling the “100 million victims of communism” within a mere handful of years. After all, since communists are accused of causing mass mortality through their policies, we can just as easily accuse liberal democratic capitalists for their failure in preventing the spread of the flu and for negligence in matters of basic healthcare. In fact, negligence would be an understatement. It was planned capitalist conflagration and deliberate military policies that caused such a grim mortality figure. Even if one relies on more recently recalculated estimates that put total deaths at 50 million (Humphreys 2018), liberal democratic capitalism can be blamed unequivocally for, at a minimum, a period of historically unsurpassed yearly rates of mass death. In the current conjuncture of the COVID19 pandemic, it appears not much has changed in this respect within liberal democracies.

Resisting Anti-Communism to Build an Ecologically Sustainable, Classless, State-Free Future

If this is viewed as a wilfully tendentious numerical exercise, it is certainly much less so than to claim “100 million” dead from “communism”, as anti-communists allege. Unlike them, I am using existing data in making this case. The much more studious and detailed rebutting and accounting from the above-cited scholars is commendable and should be essential reading especially for any supporter of liberal democracy, not just for self-respecting leftists. But when it comes to everyday discussions on politics, this scholarly tactic seems more effective at reaching other leftists and perhaps the relatively few out there who are not emotively attached to the capitalist status quo or to more extremely bigoted worldviews (e.g. Nazism) and who have time to investigate an issue and dedicate themselves to reasoning over it. The problem is that the main organs of mass communication and the conditions and parameters of debate (e.g. unequal airtime or text space, sound-bite arguments favouring those upholding predominant ideologies, etc.) are firmly in the hands of those whose interests are to crush any form of socialism, including and especially communism. For socialists of any stripe (I include anarchists in this sense) to overcome this formidable barrier, nothing short of appropriating the means of media production (which also means diffusion) is a must. Under current circumstances, only a handful of state media in marginalised countries (e.g. Cuba, Venezuela) offer opportunities to reach majorities within a country, and with arguments debunking capitalist propaganda that reinforce what should be household truths about the horrors of capitalism and free-market (liberal) democracies. This is all the more reason leftists must cease and desist from reinforcing anti-communist propaganda, regardless of what they reckon of nominally socialist states like the USSR. As stated above, there are many ways to undermine anti-communism. For one, attributing mass death to a set of principles or ideas (communism) is a form of fetishism that would exonerate those who perpetrated the horrors. After all, people from NATO countries have bombed others to death in the name of human rights not very long ago, as in Iraq and Yugoslavia. Calling the ideology of human rights responsible for those acts of mass murder seems rather inappropriate if one is interested in bringing murderers to account for the harm they have done. Another option to counter anti-communism is by pointing out that communism, if one is serious about the substance of political philosophy, is about achieving a classless, state-free egalitarian society. This means that anti-communists want something else (which they should spell out) or the opposite, a class, state-based, unequal society. Yet another strategy can be to point out that the systems called “communist” were never communist. And, of course, they were not. They could not be. Since at least the 1860s, socialists, including anarchists, have struggled for the achievement of a classless and stateless social order. It has been called communism or anarchism, an ultimate objective involving widely diverging methods and with some differences in the substance of classlessness and statelessness. Nevertheless, a “communist state” in this historically contextualised sense is an oxymoron. Leftists, of all people, should be privy and sensitive to this basic aspect of socialist histories and to communist movements’ foundational motivations. This is besides the basic fact that governments headed by communist parties named their countries people’s democracies or socialist states, among other descriptors that laid no claims to any attainment of communism during their existence. If anything, it is those holding on to traditional conceptions of state socialism who have some explaining to do. On the other hand, most people in countries like Australia, the US, Japan, and Canada, or within the EU, do claim the mantle of democracy. For that, they ought to take responsibility for all the deaths caused through their cherished system. Perhaps one day they will be made to do so or, even better, they will finally see through their deeply erroneous ways. For the moment, this seems highly unlikely. For the sake of capital accumulation, disregard reigns among ruling classes over decades of hundreds of thousands of deaths annually from air pollution from fossil fuel combustion and the consequent intensifying climate catastrophe (Campbell-Lendrum and Prüss-Ustün 2019; Haines and Ebi 2019; WHO 2016). Capitalists and their political enforcers have lately been reaffirming the superior worth of profits and their political-economic power over the majority of people’s health. About two million have died of COVID-19 worldwide so far. This is directly imputable to businesses pushing profitability into tropical forests and exposing workers to zoonotic diseases while undermining public health and relentlessly eroding and pre-empting healthcare provisions almost everywhere (Wallace 2020). These are examples of regular, normal capitalist relations, which include constant preparations for waging war to maintain or secure capital accumulation. Capitalism’s war-related death toll so far exceeds 150 million since 1914. Wars waged by liberal democratic governments – the self-appointed models of rights and freedom – are alone responsible for at least 54 million deaths over the 1914–1992 period, and more than two million more since. There is yet no end in sight to free-market democracies’ unfettered mass killing sprees. Yet these are gross underestimates of capitalism’s unparalleled deadliness. Leftists who object to communism will hardly put even an infinitesimal dent on the capitalist killing machine by reproducing anti-communist propaganda. It only helps intensify the threat of burgeoning anti-communist legislation and fascist street actions against the left as a whole. It should go without saying that pointing to the much deadlier nature of capitalism, the most murderous system in the history of humanity, does not exempt a critical appraisal of socialist states. But critique of state socialism is mere sophistry when it contributes to reinforcing capitalist ideology. Let us then consciously reorganise and struggle for ecologically tenable classless egalitarian ends before capitalists obliterate most of humanity and other beings with another world conflagration or simply by conducting their regular business.

#### Capitalism turns solvency and no link turn – even the most successful anti-trust policy upholds a fundamentally unequal economy and perpetuates exploitation of the working class.

Bruenig 21, Founder of the People’s Policy Project (Matt, June 5th, “No, Small Isn’t Beautiful,” *Jacobin*, <https://jacobinmag.com/2021/06/small-business-monopoly-socialism-collective-ownership/>, Accessed 06-07-2021)

But that is the only arrangement that works like that. After industrialization, everyone is producing for others, even self-employed small business owners who have no formal bosses but are ultimately jerked around by their clients and customers.

It is hard to imagine any economic arrangements based on our current level of technology that does not involve the vast majority of people working inside some kind of larger organization rather than being the owner-operator of a single-member firm. Even if anti-bigness advocates were extremely successful to the point where they managed to quadruple the number of firms in the country and spread production out across those firms, the vast majority of working people would be employees not owners.

Anti-bigness advocates sometimes acknowledge this and then try to claim that these workers would nonetheless be benefited by this new world in which they worked for a smaller firm, but this is pretty clearly not true, and also does not address the point that, by their own reasoning, those workers are experiencing unfreedom.

#### Antitrust reform doesn’t solve inequality — the rich will just buy shares in new small firms.

Lind 20, Professor of practice at the Lyndon B. Johnson School of Public Affairs at the University of Texas at Austin and the author of more than a dozen books, most recently The New Class War (Michael, December 21st, “Antitrust or Countervailing Power?” *American Compass*, <https://americancompass.org/the-commons/antitrust-or-countervailing-power/>, Accessed 06-07-2021)

Moreover, antitrust does nothing to alter the American class system. A small number of people and institutions own a disproportionate amount of shares in publicly traded U.S. corporations. As Matt Bruenig pointed out recently, if you split up big firms, the people who own their shares are likely to buy shares of the new, spun-off firms as well. By persuading the Justice Department to break up Facebook, have you struck a blow for the working class against the managerial capitalist overclass? No. You’ve merely created a few more jobs for affluent CEOs, managers, and HR staff in the successor social media firms, and maybe windfalls for a few investors, without significantly changing the distribution of income and wealth in the U.S.

#### Framing AI as a military asset corrupts its utility as a social good, accelerating endless conflict and crushing the true pillars of national security.

Skolnik 21 – Jon Skolnik is a staff writer at Salon. His work has appeared in Current Affairs, The Baffler, AlterNet, and The New York Daily News, March 16th (“Big Tech is fueling an AI "arms race": It could be terrifying — or just a giant scam”, Salon, Available online at <https://www.salon.com/2021/03/16/big-tech-is-fueling-an-ai-arms-race-it-could-be-terrifying--or-just-a-giant-scam/>, Accessed 10-05-2021)

Early in the 2020 presidential campaign, Democratic candidates Pete Buttigieg and Andrew Yang tried to build political momentum around the claim that the United States is losing ground in a new arms race with China — not over nuclear missiles or conventional arms but artificial intelligence, or AI. Around the same time, former President Trump launched the American AI Initiative, which sought to marshal AI technologies against "adversarial nations for the security of our economy and our nation," as Trump's top technology adviser put it.

Buttigieg, Yang and Trump may have agreed about little else, but they appeared to go along with the nonpartisan think tanks and public policy organizations – many of them funded by weapons contractors – that have worked to promote the supposedly alarming possibility that China and Russia may be "beating" the U.S. in defense applications for AI. Hawkish or "centrist" research organizations like the Center for New American Security (CNAS), the Brookings Institution and the Heritage Foundation, despite their policy and ideological differences in many areas, have argued that America must ratchet up spending on AI research and development, lest it lose its place as No. 1.

Just last week, the National Security Commission on Artificial Intelligence (NSCAI) published a sweeping 756-page report, culminating two years of work following the 2019 National Defense Authorization Act, asking Congress to authorize a $40 billion federal investment in AI research and development, which the NSCAI calls "a modest down payment." The commission also urged President Biden to reject the push for a global ban on AI-enabled autonomous weapons — a ban proposed by thousands of scientists and thought leaders in an open letter written in 2015.

Concerned about the threat of increasing AI sophistication in Russia and China, the commission warned lawmakers that America "will not be able to defend against AI-enabled threats without ubiquitous AI capabilities and new warfighting paradigms." It offered a laundry list of recommendations to put these paradigms into action, including a "Steering Committee on Emerging Technology" within the Defense Department, an accredited university designed to produce and recruit tech talent for the defense sector, and a ramped-up investment in semiconductor manufacturing designed to keep the U.S. "two generations" ahead of China.

One question, however, was not directly answered in the NSCAI's gigantic report or in all the think-tank policy papers that preceded it: Is this science fiction-flavored arms race against largely imaginary Chinese and Russian techno-weapons of the future really necessary? Is it remotely a good idea, or likely to improve the lives of any human beings on the planet? (Excepting, that is, those who stand to profit from it.)

Jim Naureckas, the editor of Fairness and Accuracy in Reporting (FAIR) and a frequent critic of military spending, told Salon in an interview that framing of AI development as an "arms race" is irresponsible, but in the larger sweep of history is also nothing new. "The whole military industry is driven by fear as a motivator," he said. "There's a logic to an arms race that's different from the logic of arms control."

After its release, the NSCAI report was greeted with a deluge of largely uncritical media coverage, most of it echoing concerns about the U.S. losing the "AI arms race" — a term not mentioned in the report itself, but certainly evoked by its framing.

"Unless America acts now," a Washington Post headline read, "China could trounce it in artificial intelligence."

"Which country is emerging as the global leader in AI?" echoed TechHQ.

"America wakes up to the China threat," chimed the Wall Street Journal.

As Naureckas pointed out, the notion that that the U.S. will soon fall behind its global competitors in military technology is a tried-and-true scare tactic, employed at various times in slightly different registers by both Democrats and Republicans. In reality, U.S. military spending remains mind-bogglingly high. For the 2020 fiscal year, the Trump administration approved a military budget of $738 billion, a $21 billion increase from the previous year and it passed with overwhelming bipartisan support, facing only 48 "no" votes in the House and eight in the Senate. In 2019, the militarized budget accounted for 64.5 percent of all federal discretionary spending.

The U.S. has 800 military bases on foreign soil, far more than any other country in the world. According to Military.com, America is the world leader in every significant category of military hardware, and has roughly 1.4 million active-duty military personnel. In 2020, the Stockholm International Peace Research Institute (SIPRI) found that the U.S. allocated more to its military budget than the next 10 nations combined. American military spending is about 2.7 times greater than that of China — which has a much larger population — and more than 10 times higher than Russia's, or that of any other single country.

Meanwhile, bureaucratic and operational waste within the defense budget abound. In 2016, for example, it was discovered that the Pentagon had buried an internal study finding that it had spent some $125 billion in wasteful business operations. More recently, it was discovered that the Pentagon's F-35 fighter jet program — which costed taxpayers somewhere in the neighborhood of $1.5 trillion — has been riddled with software glitches and operational failures since 2006, rendering an untold number of fighter jets (each one costing $100 million) not flight-ready.

In spite of all its administrative bloat and operational dysfunction, the military remains exceptionally well-funded. Why, then, would the NSCAI insist it needs billions more for a hypothetical arms race against badly underfunded opponents? The report's authors may tell a better story than the report itself.

Jack Poulson, a former Google employee who resigned over the company's plan to launch a censored version of its search engine in China, told Salon that profit motives is deeply entrenched in the NSCAI report.

"It should not come as a surprise that a commission packed with tech billionaires would call for increased intellectual property protections, oppose regulation (including on Lethal Autonomous Weapons), propose toothless ethics principles, and call for more federal funding of their industry," Poulson said in a statement.

Indeed, many commission members are past and present tech executives of companies on the fore of AI — companies that have much to gain from future contracting deals with the Pentagon.

The commission's chair, for example, is Eric Schmidt, the former CEO of Google, who remains — as Poulson pointed out — a major shareholder in Alphabet, Google's parent company. Google's head of AI, Andrew Moore, is also a member of the NSCAI.

Google already has an extensive history of working with the Pentagon. According to The Intercept, in a federally-funded $70 million program called Project Maven, Google developed "algorithmic warfare initiative to apply artificial intelligence solutions to drone targeting." The company expecting that revenue would steadily rise from $15 million to $250 million a year for such defense projects.

In April of 2018, however, 3,000 Google employees signed an open letter decrying the company's involvement in defense technology, a move that eventually led to Google's ultimate decision to back out of the deal. Schmidt strongly objected to Google's decision, calling it an "aberration" within the tech industry, which he felt was otherwise inclined to collaborate with the Defense Department. Former Undersecretary of the Navy Robert Work, the vice chairman of NSCAI, called Google's decision "hypocritical," using language that suggested a new cold war is already underway: "Anything that's going on in the AI center in China is going to the Chinese government and then will ultimately end up in the hands of the Chinese military."

Other members of the commission include Oracle CEO Safra Catz, Microsoft chief scientific officer Eric Horvitz, and Andrew Jassy, the future CEO of Amazon Web Services, all of whom received cloud awards as part of the CIA's Commercial Cloud Enterprise (C2E), as Poulson noted.

Oracle, Amazon and Microsoft, in fact, are currently involved in an acrimonious legal battle over a $10 billion cloud-computing contract called the Joint Enterprise Defense Initiative (JEDI). The deal was initially considered to be "gift-wrapped" for Amazon until Oracle butted in, alleging improprieties. In an odd turn of events, the Pentagon awarded the contract to Microsoft, prompting Amazon to sue the federal government for anti-Amazon bias, based on ex-President Trump's overheated rhetoric.

When it comes to securing Big Tech's enormous future contracts with the Pentagon, it appears that Jassy, Catz and Horvitz have set aside their mutual grievances for the time being

Other board members of NSCAI include Gilman Louie and Christopher Darby, who are the founder and vice president (respectively) of a CIA-funded nonprofit called In-Q-Tel, which invests money in private companies who are developing technologies that might be useful to the intelligence community. According to a Wall Street Journal investigation from 2015, half of In-Q-Tel's trustees were financially connected to private companies in which In-Q-Tel had invested.

Another board member, William Mark, a vice president of SRI International, has served on the Defense Advanced Research Projects Agency (DARPA), a government-run program that partners with a variety of private companies and research institutions to "make pivotal investments in breakthrough technologies for national security." DARPA has awarded SRI numerous contracts for the development of speech recognition, translation and, most recently, deep-fake recognition systems.

In other words, nearly everyone involved in preparing or supporting the NSCAI report would seem likely to benefit from the perception that the U.S. is falling behind other nations in vital defense technology.

The Defense Department, Poulson told Salon, "prefers to run the race as if it is losing — which happens to increase military budgets, justify post-government consulting careers and help tech CEOs oppose regulation."

It's only natural that government authorities would seek out industry experts to consult on AI projects — it's a fast-developing field that almost no one outside the tech world understands. Poulson wonders, however, "whether the U.S. will give human rights organizations — such as Human Rights Watch and the Campaign to Stop Killer Robots — as much of a seat at the table as it does tech billionaires."

The very fact that the NSCAI is stacked with panel members with an obvious incentive to weaponize new technologies raises the question whether there needs to be an AI "arms race" at all. That term, of course, harkens back to Cold War hysteria surrounding the threat of nuclear annihilation, which led U.S. lawmakers to grow unduly concerned with the "missile gap," a widely held misconception that the Soviet Union was outpacing the U.S. with superior ballistic missile capabilities. (As intelligence sources knew even at the time, the Soviet nuclear arsenal was in bad shape and much smaller than advertised.)

#### Biden won’t push aggressive climate policy, and the EPA is gutted inevitably due to conservative courts.

Dolsak & Prakash 10-16-2020, \*Stan and Alta Barer Professor in Sustainability Science and Director of the School of Marine & Environmental Affairs. \*\*Walker Family Professor and the Director of the Center for Environmental Politics. Both are at the University of Washington, Seattle. (Nives, Aseem, 10-16-2020, "Will The Biden Administration Transform U.S. Climate Policy?", *Forbes*, https://www.forbes.com/sites/prakashdolsak/2020/10/16/will-the-biden-administration-transform--us-climate-policy/?sh=2dd6e21b4d4c)

Even if Democrats retain the House and flip the Senate, Biden may not champion aggressive climate policies for several reasons. Recall that in the first two years of Obama’s first term, Democrats controlled the House (the 111th Congress) and the Senate. Thus, 2009-2010 provided Obama with a favorable institutional context to enact aggressive climate policies. His Administration saw the 2007-2009 recession as the most pressing problem and incorporated climate action in the fiscal stimulus: $37 billion climate funding in the $787 billion American Recovery and Reinvestment Act passed in 2009.

In contrast to the fiscal stimulus, stand-alone climate laws did not pass. Take the 2009 Waxman-Markey bill (the American Clean Energy and Security Act) to create a national cap and trade system. While the House passed it in 2009, the Senate did not act on it. Of course, once Republicans took control of the House in 2011, this bill was dead.

Why did the Waxman-Markey bill fail? This bill unleashed unusual political dynamics: Environmental organizations were split, with Greenpeace and Friends of the Earth opposing it. The recession focused public attention on jobs, not on climate change. Some suggest that Obama could have invested more political capital in its passage, but he prioritized the Affordable Care Act.

Fast forward to 2020. Might the post-election developments compel Biden to prioritize economic recovery, pandemic, court-packing or gun control over climate action? Or, could an international crisis such as China’s sudden move on Taiwan draw attention away from climate change? The reality is that voters do not see climate change as a top issue. A recent Pew poll suggests that they rank climate change very low (12th among the 13 issues). Taken together, it is not clear that Biden would have the incentives to make climate action his top priority.

What Sorts of Federal Climate Policies to Expect?

If Biden wins, we suspect that he will start with low cost but high visibility administrative (as opposed to legislative) actions such as rejoining the Paris Agreement and creating a Climate Czar to coordinate federal climate policies. We can see him reversing Trump’s numerous Executive Orders on environmental issues, stopping construction of fossil fuel pipelines, and denying permits for fracking on federal lands. Further, he will probably seek to reinstate California’s authority on automobile emission standards and revive the Clean Power Plan.

If Republicans retain the Senate, major climate legislation is unlikely. Much will have to be done through Executive Orders, as Obama was forced to do after 2011. On the climate front, Biden’s Presidency could then look very much like Obama’s third term. Even new rules formulated under existing statutes would face legal challenges. In the extreme scenario, the Supreme Court might overturn Massachusetts v. Environmental Protection Agency, which gave authority to the Agency to regulate carbon dioxide emitted by motor vehicles as a pollutant within the purview of the Clean Air Act.

#### Any action gets gutted by an ultra-conservative Supreme Court.

Lithwick & Stern 10-5-2020, \*writes about the courts and the law for Slate, \*\*covers courts and the law for Slate. (Dahlia Lithwick and Mark Joseph Stern, "This Supreme Court Term Will End With Either Catastrophe or 13 Justices", *Slate Magazine*, https://slate.com/news-and-politics/2020/10/supreme-court-packing-term.html)

That means that even if Democrats win Congress and the White House, then pass ambitious laws, this cycle will play out over the next few years. Essentially all of their priorities are extremely vulnerable to invalidation at the hands of an ultra-conservative 6-3 court. The Democrats’ bill on ethics, voting rights, and redistricting reform would probably be strangled by this judiciary. Their attempt to grant statehood to the District of Columbia could founder on the shoals of a ridiculous constitutional theory. Any effort to expand the ACA would be suspect, as would efforts to limit carbon emissions. The leading plans to protect abortion rights if SCOTUS overturns Roe v. Wade would get eviscerated by the courts. After years of health care litigation, it is painfully clear that conservative justices will embrace frivolous legal arguments that the vast majority of lawyers find meritless to reach their preferred policy outcomes. This coming term, we will see the beginning of that, with a few strategic defections in a handful of cases, but a steady and marked trend toward clawing back Democrats’ efforts to protect the vote, protect the planet, and expand protections for workers and vulnerable communities. We will see a systematic effort to deregulate big businesses, constrain federal agencies, undo gun control, and loosen protections for women’s health. That is coming and it is coming sooner than you may think.

If Democrats plan to expand the court, then, they have to do it quickly. They must strike before the conservative supermajority has a chance to undermine them. If they wait for sufficient provocation, give this a few years to play out in the judicial branch, they will simply see their agenda torn to shreds by the court two years later, after Republicans have wrestled back the Senate. Court expansion is not a hypothetical response to some future SCOTUS outrage. It is a proportional response to Republicans’ constitutional hardball—and a necessary precursor to any meaningful Democratic reform.

#### The 1NR “climate-solvable” ev says international action solves---but NDC’s fail

Abnett and Volcovici, 21 (Kate Abnett and Valerie Volcovici “Flurry of emissions pledges still not enough to meet global climate goals” accessed online 10/31/21 https://www.reuters.com/business/sustainable-business/flurry-emissions-pledges-still-not-enough-meet-global-climate-goals-2021-08-05/)

Aug 5 (Reuters) - Despite a recent flurry of new national emissions pledges, the world is still far away from preventing catastrophic climate change, experts say – noting that major polluters including China and Russia have yet to submit revised plans before a major U.N. climate summit in November. Nearly half of the 200 nations that signed the 2015 Paris climate accord failed to submit new pledges by a UN deadline of the end of July. Saudi Arabia and India are among about 90 countries that have yet to detail how they will beef up their previous targets. "It’s abysmal. It’s absolutely unacceptable," said Saleemul Huq, chair of the expert advisory group of the Climate Vulnerable Forum of 48 countries, adding that countries' progress should be measured by the real-world action they are taking to cut emissions - not just their targets for future years. "What the countries are doing or not doing is what matters," Huq said, "and what they're doing is not keeping us below 1.5 degrees." Countries agreed under the 2015 Paris Agreement to attempt to prevent average global temperatures from rising beyond 1.5 degrees Celsius, the threshold scientists say would head off the worst impacts of warming. To do that, scientists say, the world needs to cut global emissions in half by 2030, and to net-zero by 2050. The new pledges submitted through July barely moved the needle toward that goal, with many of them from developing countries with a small carbon footprint. Countries responsible for over half (53%) of current global emissions either have yet to submit a new or updated NDC, said the World Resources Institute. WRI, which tracks national climate pledges, estimates the total updated pledges to date would reduce 2030 emissions by around 2.3 (gigatons) Gt of CO2-equivalent compared with the pledges countries initially made after the 2015 Paris Agreement was signed. Today, countries emit around 50 Gt of emissions per year. Since March, both the United States and the European Union – the world's second- and third-biggest emitters after China – have set tougher emissions-cutting targets. Countries that missed the July 30 deadline for updating their climate plans, called “nationally determined contributions” or NDCs, are now under intense pressure to do so before the U.N. holds its next global climate conference in November in Glasgow, Scotland. China said it plans to announce an updated NDC before November, after pledging last year to reach net zero emissions by 2060. The Group of 20 rich nations made a similar promise last month to update their NDCs in time for the conference. "Any big change that we will see is going to come from those major emitters that haven’t submitted yet," said Taryn Fransen, a senior fellow at WRI. 'DO THEIR FAIR SHARE' While the global emissions trend is currently projected to flatten by 2030, thanks to pledges made so far, it would need more ambitious targets from many of the world’s larger economies in order to decrease, said Niklas Hohne of the NewClimate Institute, a European think tank that tracks countries' climate commitments. "This global gap is huge," Hohne said. Closing that gap would require not just more bold pledges, but also for some countries to overshoot their targets in coming years, he said. Countries whose updated pledges “failed to raise ambition,” such as Australia, Brazil and Mexico, would also need to boost their commitments, said Alex Scott at climate change think tank E3G. The November conference is seen as a crucial chance to clinch deals, for example, toward phasing out coal or financing forest protections or infrastructure adaptation. But striking those agreements will be tougher if the world's big emitters are not committed to cutting emissions fast. Bigger economies with higher emissions levels need to "do their fair share," said Carlos Fuller, lead negotiator on climate change for the Alliance of Small Island States. In the past, emerging economies like India and China have resisted tough action that might constrain their economic development. But as climate change delivers weather extremes, from deadly heat waves to enormous wildfires, some countries that are especially vulnerable say they are getting fed up with others dragging their feet. "The delay has been incredibly frustrating," said Tina Stege, climate envoy for the Marshall Islands in the Pacific, where sea level rise threatens to inundate the land. The country was the first to submit a new NDC in November 2018.