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#### Anti-trust against big tech is a ruse to restore capitalist competition and impose American ideology on the Global South — only a socialist alternative can effectively challenge digital colonialism and runaway climate change.

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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.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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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.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Depoliticization and the Authoritarian Turn

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

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

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

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

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

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

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

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

Overcoming Pandemic Pedagogy

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

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

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

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

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

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

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

### T Private Sector — 1NC

#### 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.

#### Violation: the aff applies exclusively to conduct in big tech, which is a specific segment of the private sector.

#### Vote neg:

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

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

### T Per Se — 1NC

#### 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.'

#### Violation — rule of reason is not topical

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)

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

#### 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.

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

## ADVANTAGE 1

### 1NC---Heg K

#### The vestiges of order are the intellectual underpinnings of a cosmopolitan dystopia that involutes into permanent violence

Dr. Philip Cunliffe 20, Senior Lecturer in Politics and International Relations at the University of Kent, PhD in War Studies from King's College London, MSc in Economics and International Politics with Distinction from the University of Wales, Aberyswyth, BA in Philosophy, Politics, and Economics from the University of Oxford, Cosmopolitan Dystopia: International Intervention and the Failure of the West, p. 3-12

Travelling to Iraq and Syria for ‘humanitarian purposes’ may have provided the alibi or initiation for many a Western would-be jihadi, but however pure or impure their motives, however authentic or inauthentic their compassion, it is unsurprising that the logic of humanitarian rescue was entwined with that of violent regime change.4 After all, while the world bewailed the human rights abuses and atrocities committed by the Syrian government, it was jihadis who were the ones actually fighting the government on the ground, and it was only jihadis who actively, persistently and unambiguously sought to overthrow the Syrian regime. As one reflective would-be jihadi put it, viewing military conquest as a charitable act and feeling entitled to intervene in other countries’ civil wars and to rebuild their societies were popular Western ideals more than they were Islamic scripture.5 In short, humanitarian compassion for distant strangers entwined with transcending nation-states by force if necessary and scorning nationalism through transnational organisation and supranational authority were familiar themes in world politics. What we were seeing in Iraq and Syria was only a murky mirror, one in which familiar ideals and hopes were being played out in dark and terrible form: permanent war inspired by global ideals in a borderless world.

As J. M. Keynes once noted, ‘Madmen in authority, who hear voices in the air, are distilling their frenzy from some academic scribbler of a few years back’. As the spectre of totalitarianism had faded at the end of the Cold War, many international political theorists had turned their scribblings to intellectually subduing that most intensely concentrated, brash and unrestrained form of political power – that institution that recognises peers but has no superiors, the sovereign state. While these scribblings were numerous and varied, many of them shared a similar cast, in that they sought to supersede state sovereignty in various ways. Whether through appealing to global law or vesting their hopes in supranational new regimes and institutions, a common and recurrent concern was to assimilate peoples into new supranational social, legal and political structures – those varied elements that together constituted the ‘postnational constellation’, as the title of philosopher Jürgen Habermas’s book on the matter put it.6 Vertically, people had to be integrated into new supranational institutions and laws that ramified from regional up to global bodies, and horizontally they had to be blended together, less segmented by national political loyalties.

While many of these changes were often assumed to be a result of the movement of capital and new types of media, globalisation was never merely a matter of spontaneous trade flows or extemporaneous new technologies, but also involved explicitly political projects of integration and reordering to better fit the emergent infrastructure of a new social order. Part of this also involved military force, in which powerful Western states were expected to act as the direct military enforcers and executors of global law, defending individuals’ human rights from the depredations of their own negligent and criminal national leaders, arresting war criminals to haul them off before international courts, promoting democracy up to and including the use of force if necessary, and acting to neutralise global security threats – security threats that paradoxically seemed to become more apocalyptically menacing the more globalised Western power became. This was the view of NATO as the ‘left hand of God’, as per the title of an exultant essay by the philosopher Slavoj Žižek in which he defended the NATO bombing of Yugoslavia in 1999, the North Atlantic alliance cast as the imperfect instrument of a higher justice.7

If wars had previously been defined in liberal terms of antitotalitarianism and anti-communism, they had also been justified in unabashedly national terms too – defending national rights and honour, self-defence and sometimes even plain unadorned national self-interest. In the post-Cold War era, the use of force was still defined in liberal terms but also terms that were at once more cosmopolitan (justified on behalf of others) and humanitarian (protection and alleviating suffering rather than defending liberty). Thus, while in 1999 Habermas acknowledged the ‘inevitability of a transitory paternalism’8 in NATO’s invocation of higher right over the rights of sovereign states, he nonetheless welcomed NATO’s war against Yugoslavia as embodying ‘a leap from the classical international law of states to a cosmopolitan law of a global civil society’.9 Cosmopolitan political theorist Patrick Hayden saw post-Cold War developments in international security such as the doctrine of the responsibility to protect and the international human security regime as concrete steps towards ‘replacing the realist national interest-based security paradigm with a cosmopolitan, person-based paradigm’.10

A crucial constituent element of this cosmopolitan vision of politics was human rights. As Perry Anderson observed, for an entire generation of political theorists who had hitherto restricted themselves to theorising politics inside the state during the Cold War, after the Cold War ‘human rights became the global trampoline for vaulting over the barriers of national sovereignty, in the name of a better future’.11 Human rights were to be used to abrade nation-states in order to insert them into new global configurations so that they would fit better alongside new actors such as non-governmental organisations, international courts and supranational bodies. Human rights provided the legal undergirding for cosmopolitan politics, the human face of globalisation. Powerful, evocative and densely layered and distributed across international treaties, conventions, national courts and supranational agencies, human rights have captured the hopes of many millions of people around the world – hopes for justice, social improvement, legal redress and political change. By the same token, human rights have also been widely criticised, not only for the hypocrisy of their defenders but also for an imperious universalism that bleaches out cultural particularism. To be sure, the language of human rights has certainly provided Western states with a supple new discourse of moral superiority to wield over up-start ex-colonies in place of white supremacy. The discourse of human rights also gave an appropriately supranational expression to old European imperial states that had grown habituated to pooling their sovereignty as their individual power waned. There is, though, one element of human rights that has hitherto been overlooked and yet is crucial to understanding both their cosmopolitan character and their dystopic results. That element is the post- or counter-utopian character of human rights. Political philosopher John Rawls, for instance, expressly framed his cosmopolitan vision in The Law of Peoples as a ‘realistic utopia’ – that is to say, a vision that was expressly modest, pragmatic and selfrestrained rather than being crusading or militant.12 Juxtapose this with Samuel Moyn’s work, which has shown most clearly how human rights could necessarily politically succeed only as a response to thwarted utopianism.13 It was the failure of New Left hopes for radical transformation in Western democracies – accompanied by the frequently dismal results of Third World and anti-colonial revolutions – that formed the disenchantment that was to provide the basis for human rights as a project. At once modest and fervent, human rights offered a model of politics and activism that was restrained, diffident, circumspect and minimalistic. In place of the radical hopes for drastic improvement to be achieved through the high drama of national politics, the seizure of state power and even revolution, change was to be limited to marginal, incremental but persistent improvement through the alleviation of suffering. Conceived as such, human rights were explicitly anti-political. With human rights targeted à tous azimuts, activists confronted both East and West in the Cold War, championing the rights of dissidents across totalitarian Eastern Europe as well as the rebels imprisoned by fascistic military dictatorships in the Americas, Southern Europe and apartheid South Africa.14

Rooted in civil society movements rather than campaigning political parties, human rights activists were uninterested in seizing or wielding state power. Indeed, the human rights movement carried with it the hostility to and suspicion of centralised political authority that would become the core of post-Cold War cosmopolitanism. The advocates of human rights vested their hopes in civil society organisations rather than nationalist movements or political parties. Yet by the same token, nor was the human rights movement anarchist. There was never any intention of abolishing the state as such, for such a vision would, after all, be a political one, involving precisely the kind of ambition and sweep that human rights were defined against. The project never envisaged the dissolution of the state but rather a new kind of state, one in which the mailed fist of state power was softened by the velvet glove of international law, and was to be coordinated with a range of new appendages and prostheses – transnational regimes, new regional bodies, supranational courts, non-governmental organisations, social movements, ethically aware corporations, transnational regulatory agencies and so on.

In political terms, human rights embodied nothing so much as the liberalism of fear – a distinctive strain of post-war liberalism that was cultivated by thinkers such as Isaiah Berlin, Judith Shklar and Raymond Aron.15 While these thinkers were as suspicious of and as hostile to the utopian totalitarianism that they saw on the other side of the Iron Curtain as any other liberal, they were also wary of grandiose attempts to counter totalitarianism that might risk mimetically replicating its crushing uniformity.16 Their political vision and hopes for liberalism were thus restricted, with the most that could be hoped for being the cautious, prudent relief of extreme human suffering in a world that was irredeemably conflicted, plural and fallen, beyond redemption. Human rights were the legal and institutional embodiment of this exemplary hope that suffering and injustice could be meliorated while at the same time avoiding the terrible, ineluctable fate of utopians, whose radical passion for sweeping political change inevitably leads to dystopian totalitarianism.

Yet if human rights activists and civil society movements flaunted their lack of interest in political power, political power was certainly interested in them. Human rights rapidly became the dominant ideology of Western states in their foreign affairs, haltingly at first under the Carter and Reagan administrations over the 1970s and 1980s, and then peaking under the Clinton administrations, while remaining firmly entrenched throughout the Bush and Obama era.17 Widely seen as having provided Czechoslovak, Polish and East German dissidents and activists with the ideological solvent to dissolve the totalitarian permafrost of Eastern Europe, the apolitical, thin but astringent universalism of human rights provided the ideological tonic to exalt Western victory in the Cold War and boost its new military efforts. Human rights became the ideology of post-ideological, multicultural liberal democracies, the moral framework for booming business as capitalism advanced eastwards into Eastern Europe and Asia.

Yet, despite having eschewed the utopian fanaticism of violent rebellion and the seizure of state power, human rights became entwined with war, across Africa, the Balkans and Asia. In the form of humanitarian intervention, democratisation and the responsibility to protect, defending human rights became a necessary component of every Western military intervention as surely as anti-communism had once been during the Cold War.18 As General Colin Powell, defence secretary in the first administration of US President George W. Bush, put it, non-governmental humanitarian organisations were a ‘force multiplier’ for the US military.19 In 1999, as NATO bombed Yugoslavia, Habermas disparaged states’ sovereign right to non-interference, arguing that this ‘presumption of innocence’ built into classical international law was palpably ‘absurd’ in light of the ‘catastrophic history’ of the twentieth century.20 Yet the erosion of the right to non-interference also made all domestic politics directly global. Questions of foreign affairs became instead questions of rights, democracy and government rather than, say, nationally specific institutions and conflicts, a regional balance of power or geopolitical rivalry. Without the presumptive right of noninterference institutionalised in the claims of sovereignty, every domestic crisis becomes a potential vortex that will suck in external powers: at the time of writing, this pattern is repeating with the stand-off in Venezuela between the government and opposition, which is drawing in Brazil and Colombia as well as the US.

After thirty years of perpetual warfare by Western states under the banner of human rights, human rights can no longer claim to be innocent either. Evidently even anti-utopian, cosmopolitan ideals can just as easily succumb to the intoxication of military power and crusading zeal to improve the world. One humanitarian emergency has followed another in which humanitarian intervention is urged even if not enacted, in an unbroken chain reaching back to the no-fly zone established in 1992 over northern Iraq after the end of the first Gulf War and going through the Balkans, East Timor, Somalia, West Africa, Rwanda, Darfur, Iraq, Syria, Kurdistan (not to mention all those instances in which intervention was urged but never materialised – Zimbabwe, Darfur, South Sudan, Myanmar).

More than this, not only have human rights been weaponised, they have also become dystopic. Western interventions have left a chain of shattered states across the Greater Middle East that are locked in perpetual civil strife; Islamic State would never have emerged were it not for the Anglo-American intervention in Iraq of 2003. However much the defenders of human rights may still protest that intervention in Iraq was not an authentic expression of humanitarian ideals,21 the fact remains that the invasion would never have happened had not the humanitarian suspicion of centralised state power and jurisdictional limits not been normalised by the globalisation of human rights ideology, and had the precedent not been established that humanitarian protection could be invoked to trump the rights of state sovereignty. Cosmopolitan dystopia was thus not restricted to insurgent enclaves in the Middle East: human rights helped to normalise our era of permanent war and with it a new wave of humanitarian occupation.22 This saw the recreation of trusteeship and a new generation of protectorates sprawling around the world, with a new imperial standard of civilisation, justified on the grounds of the need for prolonged humanitarian protection and oversight. All these together constituted the dystopic involution of liberal internationalism, of which cosmopolitan jihadism and global terror networks were merely the inadvertent progeny.

The centrality of human rights to the political problems of our age is being made increasingly visible in the growing volume of critique directed at the theory and practice of human rights.23 The entirety of this debate is beyond the scope of this book, and in any case I wish to add only one element to the growing collective critique. This element is to say that it is precisely the counterutopian character of human rights that makes them dystopian. Negatively defined against the world-historic evils of the twentieth century, human rights cast the alleviation of suffering as the most that can be hoped for. In international affairs at least, this necessarily leads, I argue, to a politics of exceptionalism. This is a politics that is defined by its reaction to exceptional crises, a politics defined against the extreme – halting genocide, massacre, tyranny, starvation, slavery, ethnic cleansing and so on.24 By having renounced the hope for systemic transformation or radical improvement of the human condition, under the banner of human rights political action necessarily becomes increasingly defined by the extreme, with the result that the extreme comes increasingly to define the norm. As the norm and the exception collapse into each other, the need for perpetual redress of recurrent evil that can, by its very nature, never be abolished, only repressed, results in … cosmopolitan dystopia. That is, a world order in which permanent war is normalised by perpetual policing in order to reduce human suffering. The crusading zeal and imperialist aggressiveness of cosmopolitan liberalism are not the results of still being contaminated by lingering traces of revolutionary utopianism, but by an anti-political monism that refuses to countenance a pluralistic international order.

Despite never having set their sights higher than curbing the most extreme human suffering, cosmopolitan liberals have nonetheless produced dystopias in their wake, complete with slave markets, tyrannies, ethnic pogroms, mass murder, massive refugee camps, beleaguered ‘safe havens’ and ‘safe zones’, protectorates and permanent war; in more recent times, their efforts have even revived geopolitical rivalries between nuclear-armed states. That their efforts were fated to be dystopic is the core argument of the book, and it is put forward in chapter 3. As well arguing for the dystopic character of cosmopolitan humanitarianism, I also seek to provide a more detailed overview of what cosmopolitan dystopia looks like – to show what an international order built around a dystopic politics of humanitarian emergency looks like. This is done across chapters 1 and 4. Chapter 2 looks at existing critiques of humanitarian intervention and where their limits lie – limits that necessitate a turn towards theorising exceptionalism as the key to understanding humanitarian intervention, the responsibility to protect and cosmopolitan dystopia. Before we review the structure of the argument in more detail, let us briefly define the terms and set the parameters that will operate in the discussion.

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

#### No empirical correlation between heg and global stability---if anything, heg causes wars.

Fettweis ’17 (Christopher J.; is Associate Professor of Political Science at Tulane University; May 8th; *Unipolarity, Hegemony, and the New Peace*; <https://www.tandfonline.com/doi/abs/10.1080/09636412.2017.1306394?journalCode=fsst20>; accessed 5/3/19; MSCOTT)

These assessments of conflict are by necessity relative, because there has not been a “high” level of conflict in any region outside the Middle East during the period of the New Peace. Putting aside for the moment that important caveat, some points become clear. The great powers of the world are clustered in the upper right quadrant, where US intervention has been high, but conflict levels low. US intervention is imperfectly correlated with stability, however. Indeed, it is conceivable that the relatively high level of US interest and activity has made the security situation in the Persian Gulf and broader Middle East worse. In recent years, substantial hard power investments (Somalia, Afghanistan, Iraq), moderate intervention (Libya), and reliance on diplomacy (Syria) have been equally ineffective in stabilizing states torn by conflict. While it is possible that the region is essentially unpacifiable and no amount of police work would bring peace to its people, it remains hard to make the case that the US presence has improved matters. In this “strong point,” at least, US hegemony has failed to bring peace.

In much of the rest of the world, the United States has not been especially eager to enforce any particular rules. Even rather incontrovertible evidence of genocide has not been enough to inspire action. Washington’s intervention choices have at best been erratic; Libya and Kosovo brought about action, but much more blood flowed uninterrupted in Rwanda, Darfur, Congo, Sri Lanka, and Syria. The US record of peacemaking is not exactly a long uninterrupted string of successes. During the turn-of-the-century conventional war between Ethiopia and Eritrea, a high-level US delegation containing former and future National Security Advisors (Anthony Lake and Susan Rice) made a half-dozen trips to the region but was unable to prevent either the outbreak or recurrence of the conflict. Lake and his team shuttled back and forth between the capitals with some frequency, and President Clinton made repeated phone calls to the leaders of the respective countries, offering to hold peace talks in the United States, all to no avail.67 The war ended in late 2000 when Ethiopia essentially won, and it controls the disputed territory to this day.

The Horn of Africa is hardly the only region where states are free to fight one another today without fear of serious US involvement. Since they are choosing not to do so with increasing frequency, something else is probably affecting their calculations. Stability exists even in those places where the potential for intervention by the sheriff is minimal. Hegemonic stability can only take credit for influencing those decisions that would have ended in war without the presence, whether physical or psychological, of the United States. It seems hard to make the case that the relative peace that has descended on so many regions is primarily due to the kind of heavy hand of the neoconservative leviathan, or its lighter, more liberal cousin. Something else appears to be at work.

Conflict and US Military Spending

How does one measure polarity? Power is traditionally considered to be some combination of military and economic strength, but despite scores of efforts, no widely accepted formula exists. Perhaps overall military spending might be thought of as a proxy for hard power capabilities; perhaps too the amount of money the United States devotes to hard power is a reflection of the strength of the unipole. When compared to conflict levels, however, there is no obvious correlation, and certainly not the kind of negative relationship between US spending and conflict that many hegemonic stability theorists would expect to see.

During the 1990s, the United States cut back on defense by about 25 percent, spending $100 billion less in real terms in 1998 that it did in 1990.68 To those believers in the neoconservative version of hegemonic stability, this irresponsible “peace dividend” endangered both national and global security. “No serious analyst of American military capabilities doubts that the defense budget has been cut much too far to meet America’s responsibilities to itself and to world peace,” argued Kristol and Kagan at the time.69 The world grew dramatically more peaceful while the United States cut its forces, however, and stayed just as peaceful while spending rebounded after the 9/11 terrorist attacks. The incidence and magnitude of global conflict declined while the military budget was cut under President Clinton, in other words, and kept declining (though more slowly, since levels were already low) as the Bush administration ramped it back up. Overall US military spending has varied during the period of the New Peace from a low in constant dollars of less than $400 billion to a high of more than $700 billion, but war does not seem to have noticed. The same nonrelationship exists between other potential proxy measurements for hegemony and conflict: there does not seem to be much connection between warfare and fluctuations in US GDP, alliance commitments, and forward military presence. There was very little fighting in Europe when there were 300,000 US troops stationed there, for example, and that has not changed as the number of Americans dwindled by 90 percent. Overall, there does not seem to be much correlation between US actions and systemic stability. Nothing the United States actually does seems to matter to the New Peace.

### 1NC---Fintech K

#### Fintech reinforces gross exploitation and white supremacy

Friedline 21 Friedline, Terri. Banking on a Revolution: Why Financial Technology Won't Save a Broken System. New York, NY: Oxford University Press, 2021. ND.

Beyond unequal landscapes and cost burdens, marginalization also may be amplified based on the ways that fintech embeds society’s destructive systems. Fintech and its supporters often operate under the assumption that digital and financial technologies can be developed devoid of white supremacy and financialized racial neoliberal capitalism. For example, as the Co-Director of MIT’s Initiative on the Digital Economy, Andrew McAfee, said in 2018, “If you want the bias out, get the algorithms in.” 66 This sentiment is shared by IBM Fellows Aleksandra Mojsilovic and John Smith, who believe that algorithms can be trained to reduce or eliminate any racial biases built in by their designers. 67 Even Stephen Schwarzman, Chief Executive-Officer (CEO) of Blackstone (yes, the same monopoly-esque investment corporation that is a central figure in Chapter 4), has chimed in on this possibility. Penning an opinion–editorial for The Washington Post in 2019 in a somewhat satirical caricature given his perch atop global capitalism, Schwarzman espoused the importance of an “ethics driven approach” to fintech. 68 Schwarzman described a multidisciplinary approach as sufficient for preventing broadly conceptualized “biases” and ensuring that fintech’s “powerful capabilities are a net positive for people and workers.” In other words, fintech’s disadvantages can be overlooked so long as advantages accrue on average. This viewpoint actually means that any disadvantages can be overlooked because “on average” (or “net positive, ” in Schwarzman’s terms) is code for white. 69 Fintech is acceptable—even ethical—so long as advantages accrue to whites (preferably wealthy elites) while averages disguise vast underlying racial disparities. For example, reporting the median net worth of $78,000 for all households in 2016 would conceal the fact that the median value of white households’ net worth is 41 times greater than that of Black households. 70 In fact, coders, computer scientists, engineers, and other designers—many of whom are white 71—stitch fintech and other technological advancements onto the fabric of society’s systems, 72 developing it as a tool for hoarding capitalism’s wealth. Insidiously, fintech is also developing as tool for surveilling and preying on Black and Brown communities by requiring individuals to sacrifice their privacy in order to participate. 73 This requirement disproportionately subjects people of color to ubiquitous, targeted surveillance that they are already experiencing in other contexts such as law enforcement, 74 education, 75 public welfare, 76 and housing. 77 White fintech users who experience technologies’ benefits without racist exploitation or wealth extraction may actually be contributing to mass surveillance that disproportionately impacts Black and Brown people. Like a white property owner ignoring how their predatory contract agreement contributed to the pattern of mass wealth extraction from Black and Brown communities, white fintech designers and users may similarly discount how their willingness—even eagerness—to sacrifice their privacy in exchange for fintech’s benefits may come with the costs of mass surveillance in the context of the financial system. And, if there was ever a case for history repeating itself, Black and Brown communities will disproportionally accrue the disadvantages if fintech marches full steam ahead without the voices of marginalized communities at the helm. 78 Fintech’s ability to accelerate the concentration of wealth can be overlooked when overemphasizing fintech for individuals. However, the problems with fintech for individuals are a microcosm of what is being acted out on a larger scale. For instance, Pagaya Investments, a U.S.–Israeli fintech start-up that describes its technology as the next generation of asset management investing, 79 announced in 2019 its complete reliance on machine learning and big data analytics to manage its $100 million portfolio. 80 Without human intervention, Pagaya’s fintech automatically manages the company’s asset-backed securities (ABS)—including all trading, buying, and selling transactions—and quickly spots potentially lucrative investment opportunities. Pagaya eventually plans to apply its fintech to collateralized loan obligations (CLO) and mortgage-backed securities (MBS). Minimal oversight from Pagaya’s data scientists is led by a former managing director of BlackRock, another monopoly-esque investment corporation. Buzzwords such as “disrupt, ” “reshape, ” and “innovate” are commonly applied to descriptions of Pagaya’s fintech, similar to the ways these buzzwords are enthusiastically applied to solving inequalities in individuals’ financial access. Pagaya Investments’ CEO, Gal Krubiner, promotes the advantages of a fintech approach that “can access very unique datasets” for making “really important insights and understanding on the valuation of assets” by identifying “what is really the risk behind each individual borrower or loan.” 81 At a 2017 fintech conference held in Tel Aviv, Krubiner described how fintech could modernize the field of corporate asset management, saying, “Many institutional investors are interested in investing in online lending markets. There’s a need for new, technology-based investment tools.” 82 Pagaya’s investors include venture capitalists, hedge funds, and financial institutions such as Oak HC/FT, GF Investments, and Citi Group. 83 In an announcement that Pagaya had raised $75 million in debt finance from the financial institution Citi Group, Citi Group’s Vice President of Consumer Finance, Ari Rosenberg, stated, “This transaction is a great example of the continuing evolution of consumer credit as an asset class and growth opportunity.” 84 Any evolution introduced by Pagaya’s fintech stands to benefit monopoly-esque investment corporations and their shareholders. “Consumer credit as an asset class and growth opportunity” is the language of a financialized racial neoliberal capitalism that equates growth with progress and deploys fintech to scavenge for new, profitable income streams. Individual consumers—the people whose collateralized credit card and mortgage debts are commodified and securitized to form these asset classes—do not see the profits that fintech generates from these new income streams. People are exploited by these processes, where algorithms scrape as much information on an individual as possible to be employed in risk models for generating profits that the individual will never receive. 85 Quickly and quietly, fintech efficiently ensconces the profits into the accounts of already-wealthy corporations and their disproportionately white shareholders. Not only can fintech concentrate wealth, the computer algorithms on which fintech is built replicate and reinforce white supremacy. 86 Evidence from online advertisements provides several examples. A study of Google advertisements reveals that searching for a person with a Black-identifying name is more likely to produce advertisements that falsely suggest the person has a criminal record. 87 Algorithms that determine whether a person is exposed to certain housing advertisements discriminate against people of color and those from lower-income backgrounds. 88 The American Civil Liberties Union (ACLU) filed a lawsuit against Facebook claiming that their algorithms targeting online job ads to demographic groups excluded women. 89 Netflix has come under scrutiny for its algorithms’ tailoring of promotional advertisements based on customers’ viewing histories, effectively misrepresenting movies’ mostly white casts by showing scenes with movies’ few Black actors to Black customers. 90 Just as these algorithms work to discriminate on social media platforms and streaming services, fintech algorithms calibrate the financial system to whiteness. “Our whole defining mission is to redefine this discussion of both race, gender, and the intersectionality of that as it outlays and plays with closing the digital divide and providing access to girls of color . . . having the divine skills and innate ability to create change in both their own lives and their communities.” —Kimberly Bryant, 2017 91 As it stands—and especially when controlled by white data scientists and the wealthy corporations of financialized racial neoliberal capitalism—fintech offers new and sophisticated means of exploitation and surveillance. In the era of big data and predictive algorithms, benefits do not extend to Black and Brown communities or to lower-income whites. 92 Even Google Fiber’s purportedly well-intentioned city-wide efforts reinforce rather than remedy inequalities. While reflecting on the scientific contributions of her famed father, Stephen Hawking, Lucy Hawking mused, “How good is the track record of the human race in using advances in technology for the good of ordinary people?” 93 We can’t just hope that fintech will offer a slightly better track record. Hope steeped in willful, ahistorical ignorance is insulting and dangerous. We all need and deserve dignified access to digital and financial services without having our information exploited, wealth extracted, and movements surveilled—marginalized communities especially deserve this. Let us make it so.

### 1NC---Sanctions K

#### Reject sanctions as an ineffective and brutal tool of imperial power

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In fact, as argued earlier, in a general sense, a major reason for the ineffectiveness of economic sanctions is a result of this conceptual confusion. In relation to the behavior modification objective, it was argued earlier that economic sanctions falsely assume that the people of the target state could pressure the regime to alter the offending policies and behavior. Many studies indicate that multilateral (or, for that matter, even unilateral) economic sanctions do not often force regimes to alter their conduct or policy. To add another voice to that general conclusion, below are comments from the Sub-Commission of the UN Commission on Human Rights: The "theory" behind economic sanctions is that economic pressure on civilians will translate into pressure on the Government for change. This "theory" is bankrupt both legally and practically, as more and more evidence testifies to the inefficacy of comprehensive economic sanctions as a coercive tool. The traditional calculation of balancing civilian suffering against the desired political effects is giving way to the realization that the efficacy of a sanctions regime is in inverse proportion to its impact on civilians. 94 This is not to say, of course, that sanctions are not economically effective—they are. They have devastating impacts on the target nation and its citizens, as the UN sanctions against Iraq and US trade embargoes against Cuba 95 [End Page 606] testify. The point here, rather, is that "the relation[ship] between economic effectiveness and political effectiveness is not at all clear; indeed, it may be an inverse relation." 96 An unaccountable regime will always externalize the cost from itself and its supporters to the ordinary citizens. And the power of the ordinary citizen to punish the regime for the consequences of the sanction is rather negligible, if not non-existent. A newspaper report on the effects of the decade old UN imposed sanctions against Iraq concluded that in Baghdad those sanctions have created two classes of people, a small group of citizens who are "close to the ruling circles" and who are still doing very well, on the one hand, and on the other hand, the overwhelming majority of Iraqi citizens "whose income has been so devalued that few . . . can afford a helping of chicken at al-Sa'ah [the equivalent of Kentucky Fried Chicken]." 97 Treating civilians in such circumstances effectively as "outlaws" is the cruelest form of indifference. Economic effectiveness does not correlate with political effectiveness. 98 Even in relation to the identity-constituting objective, many of the sanction regimes seem to be spectacularly unsuccessful. The image they project is not an international community that believes in the centrality of human rights as its very identity, but the opposite. Once again, consider Iraq. When the lives of many civilians, including many children, are put at risk or even lost as a result of sanctions, part of whose purpose is said, at least publicly, to be the protection of human rights, 99 the image (the identity) [End Page 607] of the international community becomes one that is quite willing to sacrifice the rights and lives of a considerable number of individuals from certain parts of the world to achieve certain political goals. For many individuals from developing countries and from non-western traditions, this suspicion gets strengthened when they hear statements such as the one from former US Secretary of State and Ambassador to the United Nations, Madeline Albright. Albright was asked by Lesley Stahl of "60 Minutes" whether the death of a half-million people—which reports had suggested might have taken place—was an acceptable price for sanctions and Albrght responded: "we think the price is worth it." 100 The image of the international community is, therefore, one that devalues not only non-western traditions and horizons of significance, 101 but the very lives of non-western peoples as well. 102 A public attempt to dissociate oneself from evil ends up creating an even greater evil.

### 1NC---Denuclearization Fails

#### Denuclearization is impossible---five reasons.

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

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

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

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

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

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

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

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

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

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

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

### 1NC---!D---NoKo

#### No Korea war---mutual vulnerability.

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Do These Principles Apply to North Korea?

With these principles in mind, can deterrence continue to work vis-a-vis North Korea? In short, yes. Throughout the evolution of the U.S-North Korean deterrence relationship, vulnerability has played an important role in the nuclear strategies and policies of both sides. The vulnerability of U.S. allies and assets in the region to North Korea’s intermediate-range missile and artillery barrages has almost certainly been a check on a more aggressive U.S. strategy, whether geared toward nonproliferation or regime change. It is certainly plausible that in the absence of this vulnerability the chances of the U.S. preventively attacking North during the Trump administration would have been higher, especially considering the extremely hawkish views of his national security adviser in 2017. As a result of this vulnerability, the U.S. routinely demonstrates its dedication to security agreements with allies in word and deed. Strategic bomber flights and military exercises, for example, demonstrate to North Korea their own vulnerability to U.S. and allied power in the region. Conversely, although the Kim regime would like nothing more than to unify the Korean Peninsula under North Korean leadership (dubbed the “holy grail of North Korean statecraft” in a recent report), it has refrained from overt and aggressive military action in pursuit of this goal. There is no doubt that Kim, like his predecessors, is wary of such behavior in the face of U.S. and allied military capabilities. Today, North Korea remains vulnerable to U.S. nuclear attacks, while the United States and its regional partners remain vulnerable to nuclear attack or retaliation from North Korea. This mutual vulnerability necessitates caution on both sides.

Recent progress in North Korean missile technology have made portions of the U.S. mainland vulnerable, giving the U.S. further reason to avoid unnecessary provocation. In 2017, North Korea conducted several tests of intercontinental ballistic missiles, two of which demonstrated the capability to potentially reach the continental United States. More recently, North Korea has successfully tested a submarine-launched ballistic missile and has showcased a new and larger submarine-launched ballistic missile at a recent parade. As a result, the United States continues to invest significantly in homeland missile defense, as well as to deploy missile defenses to defend allies and assets in the region. Missile defenses likely contribute to increased feelings of vulnerability among Kim’s regime, which may see the build-up as a prelude to a military offensive. Though imperfect, these attempts to reduce vulnerability enhance deterrence by potentially denying North Korea the expected military gains from a limited missile attack, even as fully effective missile defenses might contribute to strategic instability. Regardless of their effectiveness, Kim will have to factor in these defensive capabilities when assessing the success of engaging in conflict and will question the ability to achieve even limited goals through limited means. For example, in order to ensure the success of a missile attack, Kim would have to increase the size of the salvo in order to compensate for missiles likely to be shot down by U.S. and allied defenses. But knowing that a larger initial attack would be perceived as particularly aggressive and would likely invite a larger counter-attack, he might be deterred from pursuing whatever limited gains a smaller attack might have achieved. From Kim’s perspective, U.S. military capabilities are more than sufficient to make military success for North Korea in any conflict appear difficult and costly. Vulnerability to severe retaliation and punishment from U.S. strategic forces is also currently unavoidable for Kim. In fact, this very vulnerability has driven the North Korean nuclear program toward a capability to directly threaten the U.S., thereby demonstrating its own acknowledgement of vulnerability. In sum, both sides are vulnerable to each other. Most importantly for U.S. decision-makers, there is no likely development in the near to medium term that might remove this sense of vulnerability from Kim’s mind.

## ADVANTAGE 2

### 1NC---AI Bad

#### 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---AI Fails---Generic

#### A.I. algorithms are too nascent for effective targeting – they can be easily tricked.

Goodfellow and Papernot, 17 – [[Ian](http://www.iangoodfellow.com) is a research scientist at OpenAI, and [Nicolas](https://papernot.fr) a Google PhD Fellow in Security at Penn State. “Attacking Machine Learning with Adversarial Examples”, (https://blog.openai.com/adversarial-example-research/)]

Adversarial examples are inputs to machine learning models that an attacker has intentionally designed to cause the model to make a mistake; they’re like optical illusions for machines. In this post we’ll show how adversarial examples work across different mediums, and will discuss why securing systems against them can be difficult. At OpenAI, we think adversarial examples are a good aspect of security to work on because they represent a concrete problem in AI safety that can be addressed in the short term, and because fixing them is difficult enough that it requires a serious research effort. (Though we’ll need to explore many aspects of machine learning security to achieve our goal of building safe, widely distributed AI.) To get an idea of what adversarial examples look like, consider this demonstration from Explaining and Harnessing Adversarial Examples: starting with an image of a panda, the attacker adds a small perturbation that has been calculated to make the image be recognized as a gibbon with high confidence. An adversarial input, overlaid on a typical image, can cause a classifier to miscategorize a panda as a gibbon. The approach is quite robust; recent research has shown adversarial examples can be printed out on standard paper then photographed with a standard smartphone, and still fool systems. Adversarial examples can be printed out on normal paper and photographed with a standard resolution smartphone and still cause a classifier to, in this case, label a “washer” as a “safe”. Adversarial examples have the potential to be dangerous. For example, attackers could target autonomous vehicles by using stickers or paint to create an adversarial stop sign that the vehicle would interpret as a ‘yield’ or other sign, as discussed in Practical Black-Box Attacks against Deep Learning Systems using Adversarial Examples. Reinforcement learning agents can also be manipulated by adversarial examples, according to new research from UC Berkeley, OpenAI, and Pennsylvania State University, Adversarial Attacks on Neural Network Policies, and research from the University of Nevada at Reno, Vulnerability of Deep Reinforcement Learning to Policy Induction Attacks. The research shows that widely-used RL algorithms, such as DQN, TRPO, and A3C, are vulnerable to adversarial inputs. These can lead to degraded performance even in the presence of pertubations too subtle to be percieved by a human, causing an agent to move a pong paddle down when it should go up, or interfering with its ability to spot enemies in Seaquest. If you want to experiment with breaking your own models, you can use cleverhans, an open source library developed jointly by Ian Goodfellow and Nicolas Papernot to test your AI’s vulnerabilities to adversarial examples. Adversarial examples give us some traction on AI safety When we think about the study of AI safety, we usually think about some of the most difficult problems in that field — how can we ensure that sophisticated reinforcement learning agents that are significantly more intelligent than human beings behave in ways that their designers intended? Adversarial examples show us that even simple modern algorithms, for both supervised and reinforcement learning, can already behave in surprising ways that we do not intend. Attempted defenses against adversarial examples Traditional techniques for making machine learning models more robust, such as weight decay and dropout, generally do not provide a practical defense against adversarial examples. So far, only two methods have provided a significant defense. Adversarial training: This is a brute force solution where we simply generate a lot of adversarial examples and explicitly train the model not to be fooled by each of them. An open-source implementation of adversarial training is available in the cleverhans library and its use illustrated in the following tutorial. Defensive distillation: This is a strategy where we train the model to output probabilities of different classes, rather than hard decisions about which class to output. The probabilities are supplied by an earlier model, trained on the same task using hard class labels. This creates a model whose surface is smoothed in the directions an adversary will typically try to exploit, making it difficult for them to discover adversarial input tweaks that lead to incorrect categorization. (Distillation was originally introduced in Distilling the Knowledge in a Neural Network as a technique for model compression, where a small model is trained to imitate a large one, in order to obtain computational savings.) Yet even these specialized algorithms can easily be broken by giving more computational firepower to the attacker. A failed defense: “gradient masking” To give an example of how a simple defense can fail, let’s consider why a technique called “gradient masking” does not work. “Gradient masking” is a term introduced in Practical Black-Box Attacks against Deep Learning Systems using Adversarial Examples. to describe an entire category of failed defense methods that work by trying to deny the attacker access to a useful gradient. Most adversarial example construction techniques use the gradient of the model to make an attack. In other words, they look at a picture of an airplane, they test which direction in picture space makes the probability of the “cat” class increase, and then they give a little push (in other words, they perturb the input) in that direction. The new, modified image is mis-recognized as a cat. But what if there were no gradient — what if an infinitesimal modification to the image caused no change in the output of the model? This seems to provide some defense because the attacker does not know which way to “push” the image. We can easily imagine some very trivial ways to get rid of the gradient. For example, most image classification models can be run in two modes: one mode where they output just the identity of the most likely class, and one mode where they output probabilities. If the model’s output is “99.9% airplane, 0.1% cat”, then a little tiny change to the input gives a little tiny change to the output, and the gradient tells us which changes will increase the probability of the “cat” class. If we run the model in a mode where the output is just “airplane”, then a little tiny change to the input will not change the output at all, and the gradient does not tell us anything. Let’s run a thought experiment to see how well we could defend our model against adversarial examples by running it in “most likely class” mode instead of “probability mode.” The attacker no longer knows where to go to find inputs that will be classified as cats, so we might have some defense. Unfortunately, every image that was classified as a cat before is still classified as a cat now. If the attacker can guess which points are adversarial examples, those points will still be misclassified. We haven’t made the model more robust; we have just given the attacker fewer clues to figure out where the holes in the models defense are. Even more unfortunately, it turns out that the attacker has a very good strategy for guessing where the holes in the defense are. The attacker can train their own model, a smooth model that has a gradient, make adversarial examples for their model, and then deploy those adversarial examples against our non-smooth model. Very often, our model will misclassify these examples too. In the end, our thought experiment reveals that hiding the gradient didn’t get us anywhere. The defense strategies that perform gradient masking typically result in a model that is very smooth in specific directions and neighborhoods of training points, which makes it harder for the adversary to find gradients indicating good candidate directions to perturb the input in a damaging way for the model. However, the adversary can train a substitute model: a copy that imitates the defended model by observing the labels that the defended model assigns to inputs chosen carefully by the adversary. A procedure for performing such a model extraction attack was introduced in the black-box attacks paper. The adversary can then use the substitute model’s gradients to find adversarial examples that are misclassified by the defended model as well. In the figure above, reproduced from the discussion of gradient masking found in Towards the Science of Security and Privacy in Machine Learning, we illustrate this attack strategy with a one-dimensional ML problem. The gradient masking phenomenon would be exacerbated for higher dimensionality problems, but harder to depict. We find that both adversarial training and defensive distillation accidentally perform a kind of gradient masking. Neither algorithm was explicitly designed to perform gradient masking, but gradient masking is apparently a defense that machine learning algorithms can invent relatively easily when they are trained to defend themselves and not given specific instructions about how to do so. If we transfer adversarial examples from one model to a second model that was trained with either adversarial training or defensive distillation, the attack often succeeds, even when a direct attack on the second model would fail. This suggests that both training techniques do more to flatten out the model and remove the gradient than to make sure it classifies more points correctly. Why is it hard to defend against adversarial examples? Adversarial examples are hard to defend against because it is difficult to construct a theoretical model of the adversarial example crafting process. Adversarial examples are solutions to an optimization problem that is non-linear and non-convex for many ML models, including neural networks. Because we don’t have good theoretical tools for describing the solutions to these complicated optimization problems, it is very hard to make any kind of theoretical argument that a defense will rule out a set of adversarial examples. Adversarial examples are also hard to defend against because they require machine learning models to produce good outputs for every possible input. Most of the time, machine learning models work very well but only work on a very small amount of all the many possible inputs they might encounter. Every strategy we have tested so far fails because it is not adaptive: it may block one kind of attack, but it leaves another vulnerability open to an attacker who knows about the defense being used. Designing a defense that can protect against a powerful, adaptive attacker is an important research area. Conclusion Adversarial examples show that many modern machine learning algorithms can be broken in surprising ways. These failures of machine learning demonstrate that even simple algorithms can behave very differently from what their designers intend. We encourage machine learning researchers to get involved and design methods for preventing adversarial examples, in order to close this gap between what designers intend and how algorithms behave. If you’re interested in working on adversarial examples, consider joining OpenAI.

### 1NC---AI Fails---Military

#### Too many logistical barriers to effective application of A.I. to the military.

[Horowitz](https://thebulletin.org/biography/michael-c-horowitz/), 18 – [Michael C. Horowitz is an associate professor of political science and the associate director of Perry World House at the University of Pennsylvania “The promise and peril of military applications of artificial intelligence”, (https://thebulletin.org/landing\_article/the-promise-and-peril-of-military-applications-of-artificial-intelligence/)]

Barriers to effective uses of artificial intelligence. Military adoption of AI faces both technological and organizational challenges, and some are the types of [first-order concerns](https://arxiv.org/abs/1802.0722) about [safety and reliability](https://arxiv.org/abs/1606.06565) that could derail the enterprise so the vaunted AI-based transformation of modern militaries never really occurs. These technological challenges fall into two broad categories: internal reliability and external exploitation. The specific character of narrow AI systems means they are trained for very particular tasks, whether that is playing chess or interpreting images. In warfare, however, the environment shifts rapidly due to fog and friction, as Clausewitz famously outlined. If the context for the application of a given AI system changes, AI systems may be unable to adapt. This fundamental brittleness thus becomes a risk to the reliability of the system. AI systems deployed against each other on the battlefield could generate complex environments that go beyond the ability of one or more systems to comprehend, further accentuating the brittleness of the systems and increasing the potential for [accidents and mistakes](https://papers.ssrn.com/sol3/papers.cfm?abstract_id=3161446). The very nature of AI, which means a machine determining the best action and taking it, may make it hard to predict the behavior of AI systems. For example, when AlphaGo defeated Lee Sedol, one of the best Go players in the world, the second game included a moment when AlphaGo made a move so unusual that Sedol left the room for 15 minutes to consider what had just happened. It turned out that the move was simply something that even an elite human player would not consider, but [the machine had figured out](https://www.wired.com/2016/03/two-moves-alphago-lee-sedol-redefined-future/). That shows the great potential of AI to improve on decision-making processes. However, militaries run based on reliability and trust—if human operators, whether in a command center or on the battlefield, do not know exactly what an AI will do in a given situation, it could complicate planning, making operations more difficult and accidents more likely. The challenge of programming an AI system for every possible contingency can also undermine reliability. Take an AI system trained to play the game Tetris. The researchers that developed it discovered that the AI had trained itself to pause the game anytime it was about to lose, to fulfill the command that instructed it to [maximize the probability of victory](https://www.cs.cmu.edu/~tom7/mario/mario.pdf) with every move. This adaptation by the AI reflects behavioral uncertainty beyond what most militaries would tolerate. Challenges with bias and appropriate training data could further make reliability difficult. Explainability represents another challenge for AI systems. It is important for a system to not just be reliable, but be explainable in a way that allows others to have trust. If an AI system behaves a certain way in classifying an image or avoiding adversary radars, but cannot output why it made a particular choice, humans may be less likely to trust it. Reliability is not simply a matter of AI system design. Warfare is a competitive endeavor, and just as militaries and intelligence organizations attempt to hack and disrupt the operations of potential adversaries in peacetime and wartime today, the same would likely be true of a world with AI systems, whether those systems were in a back office in Kansas or deployed on a battlefield. Researchers have already demonstrated the way that image recognition algorithms are susceptible to [pixel-level poisoned data](https://arxiv.org/abs/1412.1897) that leads to classification problems. Algorithms trained on open-source data could be particularly vulnerable to this challenge as adversaries attempt to “poison” the data that other countries might even be plausibly using to train algorithms for military purposes. This adversarial data problem is significant. Hacking could also lead to the exploitation of algorithms trained on more secure networks, illustrating a critical [interaction between cybersecurity and artificial intelligence](https://arxiv.org/abs/1802.07228) in the national security realm.

### 1NC---Cyber K

#### Cyberwar is a capitalist myth the 1AC uses to hoard intellectual property among the global elite and stifle “hacktivists” resisting capitalist globalization.

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CLASS CYBERWAR The world market is, however, not just a site of state conflict. It is also a vast field of frictions, sometimes explosive, sometimes silent, between capital and labor— ­an arena of class war. To miss this aspect of cyberwar is to fall into a conventional view of international politics as a chess game between competing national powers (Bonefeld 2006). Behind and within the contests of contending states lies a deeper set of conflicts; subtending and shaping the geopolitics of cyberwar is its role in the war of capital and labor, and in this war, too, virtual weaponry is wielded by both sides. The transfer of computers and networks from their military incubators to the civilian workplaces of North America and Europe was spurred by economic crisis. By the 1970s, the strike power of Fordist industrial workers was driving wage and welfare gains even as intercapitalist international competition was intensifying. With a relentless logic, the Pentagon’s new technologies, developed to fight state socialism, were switched to the home front. Cybernetic class war, waged from above, automated many manufacturing and office jobs; sent others offshore via telecommunication-­ controlled supply chains; and redirected profits to a financialization dependent on electronic stock markets, computer risk modeling, and high-­ speed algorithmic trading (Schiller 1999; Dyer-­ Witheford 2015). Over some forty years, capital’s “cybernetic offensive” ( Tiqqun 2001) broke the factory bases of the relatively well-­ waged mass worker of the planetary Northwest. There have been many Marxist attempts to describe the new, post-­ Fordist class composition that emerged. Michael Hardt and Antonio Negri (2000) suggest the mass worker has been replaced by “immaterial labor” involved in digital networks. We are critical of this formulation; it overlooks both the shift of industrial labor to Asia (where it drove China’s rise as a great power) and the generation of “surplus populations” thrown out of work in Rust Belt cities or inhabiting regions largely bypassed by digital supply chains, such as large sectors of Africa and the Middle East (Dyer-­Witheford 2015). But in regard to cyberwar, the “immaterial labor” thesis is important, because it highlights the centrality to digital conflict of a new type of technoscientific labor that saw itself not as “worker” but as “hacker.” 13 Military production was the birthplace of the hacker. The famous “hacker ethic” of innovation, openness, empowerment, and belief that “information wants to be free,” with its libertarian scorn of bureaucratic regimentation and corporate “suits,” was the ethic of experimental systems administrators and adventurous graduate students working on U.S. Defense Department university contracts (Levy 1984; Himanen 2002; Wark 2004). This young and overwhelmingly male hacker workforce (and its legends) flowed out into a still largely Pentagon-­ bankrolled Silicon Valley and thence into a wider digital economy. As it did so, hacking split into different lines. The dominant line was corporate, professional, and entrepreneurial. It led, via Bill Gates’s assertion of intellectual property rights in software, not only to Microsoft but onward to the corporate empires of Apple, Google, and Facebook. A minority trajectory pursued free software, cypherpunk encryption, digital commons, and the noncommercial distribution of network protocols. A third, subterranean break-­ off took hacking to profitable crime, raiding for credit card numbers, bank access, industrial secrets, and saleable software, a project that would attain a global scale. These threads constantly entangled with one another, frustrating attempts to find in the hacker a consistent politics, be it progressive or reactionary. 14 All have a place in the history of cyberwar. Commercialized and professionalized hacker labor and entrepreneurialism drove software and network companies fueled by military contracts. Criminal hacking, though pursued and prosecuted by national security states’ policing arms, also supplies these states’ cyberwar with black market weapons, such as previously unrecognized software vulnerabilities known as “zero-­ day exploits” or dual-­ purpose criminal– military ­ botnets. It also entered into an ambivalent revolving-­ door relation with cybersecurity firms, fluidly swapping black and white hacker hats. And from the minor line of free software and cypherpunk activism, and its meeting with antiauthoritarianism politics, came the connection between hacking and oppositional social movement: “hacktivism” (Greenberg 2012). The first of successive “firebrand waves of digital activism” (Karatzo-gianni 2015) sprang up in the 1990s within an alter-­ mondialisme protesting the negative consequences of neoliberal globalization. Primarily a North American and European movement, but with major connections to India and Latin America, counterglobalization brought the immaterial labor of antiauthoritarian hackers into contact with the very material concerns of industrial workers losing their jobs and peasants losing their land. One of its starting points was the use of computer networks by insurgent Mayan Zapatistas to publicize their armed resistance to free trade agreements between Mexico and the United States. The famous announcements by RAND consultants John Arquilla and David Ronfeldt (1993, 1996) that “cyber war is coming,” an early warning to the U.S. state that computer networks could be a medium of popular mobilization, were inspired by the eruption of “Zapatistas in cyberspace.” Digital circulation of Subcommandate Marcos’s poetic calls for resistance to neoliberal policies worldwide galvanized a “cyberleft” (Wolfson 2014) enabled by the increasing availability of personal computers and internet connections and the online experiences of young people versed in video games, music piracy, and the World Wide Web. Summit-­busting demonstrations, from Seattle to Genoa, were accompanied by indie media centers, the digital relay of information among activists, and distributed denial-­ of-­ service (DDoS) attacks on corporate and state websites. Julian Assange honed his hacking skills as an “alter-­globalist.” Electronic civil disobedience, digital whistleblowing, and virtual organizing wove what Harry Cleaver (1995) termed an “electronic fabric of struggle.” Then the tide of alter-­ globalization suddenly ebbed. The main cause was the chilling effect of the 2001 attacks on the World Trade Center and the subsequent “war on terror.” The decline of the cyberleft also, however, coincided with the U.S. dot-­com crash of 2000, in which attempts at corporate appropriation of the net expired in a sea of red ink and stock market scams, as innumerable sketchy start-­ ups failed to find a business model to capture networkers used to free content. This crash might have strengthened the anticapitalist movement. It was, however, contained by the U.S. Federal Reserve Bank’s drastic lowering of interest rates (a measure that would later boomerang in the much larger housing crash of 2008). In the dual meltdown of “dot-­coms” and “dot-­communists,” the former recovered first. The crisis of U.S. digital capital winnowed winners and losers from the excess of a speculative boom, refining the strategies of fresh entrants to the field and inaugurating a new phase of internet history. After a short hiatus, cybernetic capital rebuilt, with a new business model, “Web 2.0” (O’Reilly 2005). The technologies that enabled this transformation had strikingly varied origins, coming from both sides of capital’s class cyberwar. Twitter has its origins in TXTMob, an application first developed by the Institute for Applied Autonomy for the self-­organized coordination of protestors at the 2004 Democratic National Convention in Boston and the Republican National Convention in New York City (Radio Netherlands 2013). On the other hand, Google Maps grew out of the acquisition of Keyhole, a small Silicon Valley company supported by venture capital from the CIA’s venture capital front company In-­Q-­Tel that worked to “develop fast, accurate and searchable digital maps for the US Armed Forces” (Powers and Jablonski 2015, 84). As Mariana Mazzucato (2013) has shown, the research behind almost every component of Apple’s iPods, iPhones, and iPads was funded almost exclusively by government agencies, predominantly by the U.S. Department of Defense: in 2014, “the parent company of Siri’s creator, which was acquired by Apple in 2010, still [got] over half of its revenue from the Department of Defense” (Bienaimé 2014). The outcome of capital’s omnivorous appetite for innovation was a dramatic revision of digital political economy and usage. The key was recuperation of internet aspects that had frustrated the dot-­coms and energized the cyberleft: popular preference for conversations over published content and free over paid content. In Web 2.0, these seemingly subversive elements were mobilized for accumulation. The digital enterprise was reconceptualized as not “publisher” but “platform,” managing proprietorial software that offered users a launch point and tools for structured but self-­ directed network activities (Bratton 2016). Monitoring and measurement of these activities supplied data for the algorithmic targeting of advertisements. Google, Facebook, and Twitter were flagships, but other businesses adopted elements of the model: Apple made its hardware a platform for apps and music; Amazon algorithmically recommended an ever-­mounting heap of retail products. As oppositional energies declined, and “platform capitalism” (Srnicek 2016) burgeoned, driven by the free labor of user-­ provided content and the big-­ data flows of surveilled self-­ revelation, leftist digital optimism was replaced by Jody Dean’s (2009) diagnosis of a “communicative capitalism” fully capable of commodifying the compulsive loops of so-­ called social media. It was therefore startling when the economic crisis of 2008 brought a return of class struggle cyberwar. Wall Street’s subprime mortgage crisis, relayed around the world by some of the most advanced computer networks in existence, had brought the global economy to a brink from which it was only hauled back by the massive state intervention of bank bailouts and austerity budgets. Responses from below differed in specific zones of the world market. Nevertheless, by 2011, Eurozone anti-­austerity revolts, strike waves in China, the Arab Spring, and a sequence of “take the square” occupations that spread from Madrid to New York and Oakland and, later on, to Rio, Istanbul, and Kyiv constituted a new wave of social struggles. These tumults displayed the new class composition of digital capitalism: the layers of surplus populations (dramatized in the suicide of Mohamed Bouazizi, the impoverished street vendor whose death catalyzed popular revolt in Tunisia); the youths in edufactories and “the graduate student without a job” (Mason 2012); the neoindustrial proletarians leaping from dormitories in Foxconn plants; and the myriad precarious, low-­wage workers who filled squares from Cairo to New York. In many different, and specific to their, locales, the revolts could nonetheless be traced to common threads of indignation at oligarchy, corruption, inequality, and precarity. No aspect of these movements attracted more attention than the protestors’ use of social media, mobile communication, and digital networks. Reportage of Facebook, Twitter, or YouTube “revolutions” has certainly fetishized this activity (Dyer-­ Witheford 2015). Nonetheless, the 2011 unrests did occur within global populations for whom the use of networks, computers, and, especially, mobile phones was becoming ever more widespread, and who put them to use in rebellious demonstrations, riots, and assemblies. Observers such as Paolo Gerbaudo (2012) and Linda Herrera (2014) have convincingly described the importance of social media “take the square” occupations in Cairo, Madrid, New York, and elsewhere, in terms of the issuing of calls to occupation, logistical organization, circulation of news, and links into mainstream media coverage. The 2011 struggles also involved major leaks and hacks explicitly regarded by both the perpetrators and enraged state authorities as a form subversive cyberwar (Greenberg 2012). These included the disclosures of WikiLeaks (Assange 2012) and its battles against the retaliatory actions of the U.S. state; the DDoS counterstrikes in support of WikiLeaks by Anonymous (Coleman 2015); and other interventions, such as those of RedHack in Turkey in support of the Taksim Square occupation in Istanbul. The protagonists included defectors from the now digitized military– ­ industrial complex, such as Chelsea Manning and, later, Edward Snowden; veterans of hacker subcultures, such as Assange; and a younger generation of dissidents familiar with chat rooms, digital pranking, music piracy, and ready-­made hacking tools, such as those used by Anonymous (Deterritorial Support Group 2012). The groups involved in leaking and hacking sometimes gave direct support to street protests, as Anonymous did to the uprising in Tunisia ( Jordan 2015). More generally, there was a strong resonance between hacker activities and popular outrage against unaccountable, venal power; Anonymous’s masks appeared on streets and squares from Cairo to New York to Istanbul, becoming the most general icon of revolt.

### 1NC---!D---Cyber

#### No cyber impact.

Lewis 20, PhD, a senior vice president and director of the Technology Policy Program at the Center for Strategic and International Studies in Washington, D.C. (James Andrew, 8-17-2020, "Dismissing Cyber Catastrophe", *CSIS*, https://www.csis.org/analysis/dismissing-cyber-catastrophe)

A catastrophic cyberattack was first predicted in the mid-1990s. Since then, predictions of a catastrophe have appeared regularly and have entered the popular consciousness. As a trope, a cyber catastrophe captures our imagination, but as analysis, it remains entirely imaginary and is of dubious value as a basis for policymaking. There has never been a catastrophic cyberattack.

To qualify as a catastrophe, an event must produce damaging mass effect, including casualties and destruction. The fires that swept across California last summer were a catastrophe. Covid-19 has been a catastrophe, especially in countries with inadequate responses. With ~~man-made~~ actions, however, a catastrophe is harder to produce than it may seem, and for cyberattacks a catastrophe requires organizational and technical skills most actors still do not possess. It requires planning, reconnaissance to find vulnerabilities, and then acquiring or building attack tools—things that require resources and experience. To achieve mass effect, either a few central targets (like an electrical grid) need to be hit or multiple targets would have to be hit simultaneously (as is the case with urban water systems), something that is itself an operational challenge.

It is easier to imagine a catastrophe than to produce it. The 2003 East Coast blackout is the archetype for an attack on the U.S. electrical grid. No one died in this blackout, and services were restored in a few days. As electric production is digitized, vulnerability increases, but many electrical companies have made cybersecurity a priority. Similarly, at water treatment plants, the chemicals used to purify water are controlled in ways that make mass releases difficult. In any case, it would take a massive amount of chemicals to poison large rivers or lakes, more than most companies keep on hand, and any release would quickly be diluted.

More importantly, there are powerful strategic constraints on those who have the ability to launch catastrophe attacks. We have more than two decades of experience with the use of cyber techniques and operations for coercive and criminal purposes and have a clear understanding of motives, capabilities, and intentions. We can be guided by the methods of the Strategic Bombing Survey, which used interviews and observation (rather than hypotheses) to determine effect. These methods apply equally to cyberattacks. The conclusions we can draw from this are:

Nonstate actors and most states lack the capability to launch attacks that cause physical damage at any level, much less a catastrophe. There have been regular predictions every year for over a decade that nonstate actors will acquire these high-end cyber capabilities in two or three years in what has become a cycle of repetition. The monetary return is negligible, which dissuades the skilled cybercriminals (mostly Russian speaking) who might have the necessary skills. One mystery is why these groups have not been used as mercenaries, and this may reflect either a degree of control by the Russian state (if it has forbidden mercenary acts) or a degree of caution by criminals.

There is enough uncertainty among potential attackers about the United States’ ability to attribute that they are unwilling to risk massive retaliation in response to a catastrophic attack. (They are perfectly willing to take the risk of attribution for espionage and coercive cyber actions.)

No one has ever died from a cyberattack, and only a handful of these attacks have produced physical damage. A cyberattack is not a nuclear weapon, and it is intellectually lazy to equate them to nuclear weapons. Using a tactical nuclear weapon against an urban center would produce several hundred thousand casualties, while a strategic nuclear exchange would cause tens of millions of casualties and immense physical destruction. These are catastrophes that some hack cannot duplicate. The shadow of nuclear war distorts discussion of cyber warfare.

State use of cyber operations is consistent with their broad national strategies and interests. Their primary emphasis is on espionage and political coercion. The United States has opponents and is in conflict with them, but they have no interest in launching a catastrophic cyberattack since it would certainly produce an equally catastrophic retaliation. Their goal is to stay below the “use-of-force” threshold and undertake damaging cyber actions against the United States, not start a war.

This has implications for the discussion of inadvertent escalation, something that has also never occurred. The concern over escalation deserves a longer discussion, as there are both technological and strategic constraints that shape and limit risk in cyber operations, and the absence of inadvertent escalation suggests a high degree of control for cyber capabilities by advanced states. Attackers, particularly among the United States’ major opponents for whom cyber is just one of the tools for confrontation, seek to avoid actions that could trigger escalation.

The United States has two opponents (China and Russia) who are capable of damaging cyberattacks. Russia has demonstrated its attack skills on the Ukrainian power grid, but neither Russia nor China would be well served by a similar attack on the United States. Iran is improving and may reach the point where it could use cyberattacks to cause major damage, but it would only do so when it has decided to engage in a major armed conflict with the United States. Iran might attack targets outside the United States and its allies with less risk and continues to experiment with cyberattacks against Israeli critical infrastructure. North Korea has not yet developed this kind of capability.

One major failing of catastrophe scenarios is that they discount the robustness and resilience of modern economies. These economies present multiple targets and configurations; they are harder to damage through cyberattack than they look, given the growing (albeit incomplete) attention to cybersecurity; and experience shows that people compensate for damage and quickly repair or rebuild. This was one of the counterintuitive lessons of the Strategic Bombing Survey. Pre-war planning assumed that civilian morale and production would crumple under aerial bombardment. In fact, the opposite occurred. Resistance hardened and production was restored.1

This is a short overview of why catastrophe is unlikely. Several longer CSIS reports go into the reasons in some detail. Past performance may not necessarily predict the future, but after 25 years without a single catastrophic cyberattack, we should invoke the concept cautiously, if at all. Why then, it is raised so often?

# 2NC

## K

#### Fiat DA — Their model forwards a broken approach to political organizing, assuming the government will listen if we just ask them nicely. That reifies neoliberal logics and state control — only the alt proposes a clear road map for breaking down neoliberalism.

Quinn 16, Canadian writer and comedian based in London (R.J., December 10th, “Can I Talk to a Manager?” *Jacobin Magazine*, <https://jacobinmag.com/2018/12/liberalism-brexit-donald-trump>, Accessed 08-24-2021)

If Guy Debord were alive today, he might say that “in societies where the neoliberal conditions of political economy prevail, all of life presents itself as an immense accumulation of customer service interactions.” That is, to the liberal, all relationships are business transactions.

Nowhere is this tendency more apparent than in the contemporary liberal approach to political organizing, which seems to be reducible to a great cry of “Can I speak to a manager?” And nowhere was it better exemplified than in early October, when several thousand middle-class dog owners marched through central London to protest Brexit. Yet another outgrowth of the “People’s Vote” campaign (which is pushing for a redo of the Brexit referendum), the demonstration was called the “Wooferendum.”

The ur-concept of contemporary liberal politics is faith in the authority of a rule-governed order, and an expectation that the appointed minders of that rule-governed order will operate society, more or less, as a service to those who pay for it. In other words, “Excuse me, I do not mean to cause a fuss, but I’m not entirely satisfied.”

In the two years since its vote to leave the European Union, the UK has seen innumerable marches on parliament advancing the demand that the government cancel Brexit, or at least offer a People’s Vote. These marches, proudly unaffiliated with a political tendency, and frequently tinged with rhetoric suggesting that the Brexit vote was enabled by provincial rubes or spending skulduggery, have been an exhortation to the government of the day to just act, please. They are billed as marches politicians “cannot ignore,” that politicians have gone on to ignore. The political theory of change used by The Wooferendum, and others like it, is that once displeasure is voiced by enough people, the powerful — be they billionaires, political leaders, or whoever else — will then graciously remove the offending policy.

This phenomenon, of course, is hardly confined to the United Kingdom. In the United States, the years since Donald Trump’s election have been marked by a liberal obsession with the prospect of a released tax return or well-placed confession extracted by special counsel Robert Mueller to get rid of him. Just act, please.

“Speaking to the manager” is a sort of tyrannical helplessness; it is the haughty demand for intercession on one’s behalf by an array of greater forces you assume are servile. It is worded like a demand, but it is in fact a plea. It relies on a deeply held belief that society has been ordered for your benefit, because you bought it. And by repeatedly reminding those in charge that society is not entirely to your liking, a number of dutiful institutions or solicitous political Jeeveses will course correct and bring things “back to normal.”

It also assumes a hierarchical society, ordered like a restaurant: some eat, some serve, and there is a manager to keep it all going. This is why these same liberals tend to find the prospect of greater popular control over the media, economy, or society chilling, because they must confront the possibility that they will no longer be served and tended to.

We have been conditioned by the market to believe “the customer is always right.” But the power the customer holds over a business is a thin simulacrum of power. Power is classically understood as the ability to compel others to do what, but for you, they would not have done. Yet “consumer” power relies on businesses doing what customers say when it is in their interest to do so. The human construed as a customer can pull but one lever for change: “no.” The customer can decline to purchase, even voice displeasure, but the role of customer is inherently passive.

#### Utilitarianism is just another form of pandemic pedagogy — neutral impact calculus is impossible under capitalism since lives are valued based on productivity and peripheral violence is erased.

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)

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.”

#### All anti-trust should be rejected — even if they are slightly in the right direction their whole 1AC is littered with neoliberal impacts. Any form of antitrust from their plan will be used to save capitalism.

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

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

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

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

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

#### 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)

The Neo-Brandeisian Solution

In the past few years, a new group of antitrust scholars channeled the philosophy of Supreme Court Justice Louis Brandeis (associate justice from 1916 to 1939) to challenge how antitrust should work in the internet era. As they note, in the 1970s, the Chicago School of legal scholars narrowed the scope of antitrust from concerns about centralized private power and the well-being of society to concerns about the price paid by consumers as a measure of consumer welfare (for an overview, see Kahn 2017). Such a narrow view is especially inadequate for the digital economy, where many Big Tech products and services are anticompetitive and harmful, despite the ‘zero price’ (at least in terms of subscriptions) paid by consumers for access.

For social media, most of the neo-Brandeisians hold that Facebook is harmful because it can use monopolistic power to erode our privacy, restrict consumer choice and innovation, undermine traditional media, and manipulate the behavior of users (Lynn and Stoller 2018, Patel 2018). The solution, they argue, is twofold: First, break up companies into component parts as a part of structural separation, and then force social networks to interoperate. Facebook, for example, concentrated its market power by acquiring Instagram and WhatsApp. Why not break it up into three separate companies? Most recognize that this in and of itself has its limitations, as there would still only be a few additional companies on the market performing the same functions. A second solution, neo-Brandeisians argue, is to force social networks to interoperate.

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).

#### Turns methodology — Economic predictions about anti-trust are worse than a guess — empirics prove capitalist ideology produces inaccurate assessments and serial policy failure.

1AC Author Rozga 20, J.D. @ BU and former FTC merger review and litigation expert (Kai, August 31st, “How tech forces a reckoning with prediction-based antitrust enforcement,” *Tech Law Decoded*, <https://techlawdecoded.com/how-tech-forces-a-reckoning-with-prediction-based-antitrust-enforcement/>, Accessed 09-12-2021)

The Economism guessing game

The Economism—as some call it—of antitrust has sought to make the analysis in competition cases more rational by requiring that, before intervening in markets, enforcers must make a strong showing of the expected actual effects on competition of a given merger or a monopolist’s conduct. (To be sure, it was not just an intellectual disagreement with the status quo that inspired this movement. It was an ideological one, too, guided by the belief that it was more often than not better to wait for free markets to correct themselves rather than have the government meddle in them.)

On its face, it may seem sensible that the enforcement of laws which serve to protect competition should turn on an assessment of actual competitive effects. But this shift has meant that governments (and also private plaintiffs) bringing an antitrust case are required to present more evidence to explain the competitive dynamics of a market and how the conduct of its actors impacts competition in it. This exacts a heavy toll on everyone involved. Any antitrust litigator can attest to how antitrust cases stand out from others in terms of length, complexity, and scale. They are fact-heavy and data-intensive. And in the end, it is a burden borne by everyone involved in the case—prosecutor, defendant, and judge alike.

But the burden of analyzing actual competitive effects is more than just a hassle. It is responsible for turning antitrust into a guessing game. In merger cases, this is largely a forward-looking exercise: predicting how a combination of two companies will impact competition by comparing the market’s expected competitive state if the merger goes through to its expected competitive state if it does not. In monopolization cases, a similar analysis of the impact on competition of a monopolist’s abusive conduct can either be forward-looking (for preventing future harms) or backward-looking (for righting past wrongs).

And it is through the competitive effects guessing game that Economism was thrust into the forefront of antitrust. That is because a predictive approach to enforcement would not have been possible without the belief that economic theories and models provided the scientific (hard “s”) rigor for understanding how a market operates and how the conduct of its actors impacts competition in it. Depending on how you look at it, making predictions with economic models in antitrust was either the root cause or a necessary by-product of shifting the focus to actual competitive effects. Either way, Economism became the beating heart of antitrust at the same time that the law’s enforcement became premised on making predictions about actual competitive effects.

The unproven and perhaps unprovable premise of Economism

Despite forming its foundational underpinning, the bedrock assumption in modern antitrust that lawyers supported by economic experts are capable of understanding and predicting complex markets remains unproven—if it is even provable. To the contrary, there is good reason for reserving doubt.

In Antifragile, uncertainty expert Nassim Taleb writes: “Man-made complex systems tend to develop cascades and runaway chains of reactions that decrease, even eliminate, predictability … the modern world may be increasing in technological knowledge, but, paradoxically, it is making things a lot more unpredictable.” Taleb is skeptical of what he calls “superfragile” predictions guided by economic theory and models which are inherently “unreliable for decision-making.” To him, “economics is like a fable—a fable writer is there to stimulate ideas, indirectly inspire practice perhaps, but certainly not to direct or determine practice.”

According to Taleb, policymaking that uses economic models to manage complex systems in a top-down fashion is bound to fragilize things—no matter how well-intentioned the intervention might be. His most poignant examples of the dangers of expert-guided prediction-making come from looking at economic policy which, in an attempt to minimize short-term gyrations in the economy and financial markets, instead sets them up for larger blow-ups with systemic consequences. He concludes that “even when an economic theory makes sense, its application cannot be imposed from a model, in a top-down manner.”

In Thinking, Fast and Slow, behavioral economist and decision-making researcher Daniel Kahnemann endorses a similar skepticism about relying on expert judgments to evaluate and make predictions about complex environments. Kahnemann summarizes research in various domains (medical, economic, etc.) finding that, due to limits and biases innate to human cognition, expert judgments amidst uncertainty and unpredictability—what he calls “low-validity” environments—are a dependably ineffective way to predict the future.

Antitrust operates in precisely the sort of environment that the works of Taleb and Kahnemann would suggest is poorly suited for subjective, predictive decision-making. The lawfulness of a merger is determined by predicting whether it will cause prices to go up, a monopolist’s abusive conduct by conjecturing whether prices were inflated over a surmised competitive level—everything heavily reliant on economic theories and models. And the fact-specific inquiry of every antitrust case—especially when any case involving dynamic tech markets—means that its practitioners never get exposed to the sort of “regularity” and “prolonged practice” that Kahnemann concludes is necessary for subjective expert judgments to acquire predictive validity. If anything, low validity is supercharged in digital markets operating in vast ecosystems of constantly-evolving and interrelated markets with complicated relationships among its players.

The works of Taleb and Kahnemann suggest that antitrust technocrats are on a fool’s errand that will result in inaccurate evaluations of market conditions and poor predictions about competitive effects. Bad competition policy will result, if for no other reason than the limits of human cognition and the complexities of the market environments being observed.

Pulling back the curtain on Economism in practice

Practitioners can also draw on their own experiences to find ample support for the skepticism that flows from the works of Taleb and Kahnemann about expert-based, predictive decision-making.

The pitfalls of Economism in antitrust can be seen in everyday practice. In merger cases, economic models are presented to predict future price increases by the merged companies. And parties looking to dodge enforcement actions in close-call cases hire economists to predict how a merger will lower costs, increase output, and improve innovation.

In private antitrust litigation, plaintiffs and defendants alike rely on armies of economists to make out the elements of a case or defend against it. Too often, the result is a series of warring expert reports submitted by uber-qualified economists with stellar reputations who—based on the exact same factual record—reach diametrically opposing positions about a market’s dynamics or likely competitive effects. Equally troubling is how the uncertainty of the expert opinions can be seen fading away by the time the court chooses a winner, as the prevailing view achieves a supreme prescience when cited by the judge in support of its decision.

Alarm bells should be going off. An academic field’s reputation would seem to be put in doubt, and with it the foundation of an influential body of law that shapes our economy and society. Instead, academics and policymakers are more likely to be heard describing the rigor and rationality that they believe neoliberal economic thinking has brought to antitrust enforcement. And while some reforms proposed by the mainstream antitrust community might seem dramatic within the existing paradigm, they are trivial when considering how none tackle the fundamental flaws of the status quo.

And so, paradoxically, as antitrust turns its focus on increasingly difficult-to-predict markets, it does so increasingly with Economism-driven prediction as its lodestar—like a captain that insists on navigating a ship with the stars even when it is obvious that clouds cover the night sky.

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

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

Unfortunately for the ecomodernists, degrowth scholars and ecological economists have begun to poke holes in their optimistic assessments. Their response can be summarized according to three key counter-arguments: (1) the evidence that ecomodernists provide for relative decoupling is flawed and limited at best; (2) their evidence for the possibility of absolute decoupling is even weaker; and (3) even if absolute decoupling was possible in principle, there is even weaker evidence that this could occur with the necessary speed to stabilize the earth system before reaching irreversible tipping points.

First, claims that rich countries have seen relative or even absolute decoupling of economic growth from domestic material consumption have been shown to focus solely on correlations between national GDP and material throughput while ignoring the material-energetic costs embodied in imported consumer goods. For example, Thomas Wiedmann and colleagues show that while the EU, the US, and Japan have grown economically while stabilizing or even reducing domestic material consumption, a broader analysis of their material footprint embedded in their imports shows that it has kept pace with GDP growth. They conclude that ‘no decoupling has taken place over the past two decades for this group of developed countries’ (Wiedmann et al., 2015, p. 6273). Focusing on the global economy as a whole, Krausmann et al. show that its resource intensity improved over the course of the 20th century, though the early 21st century has seen a faster rate of growing resource consumption than global economic growth (cited in Hickel and Kallis, 2019). Thus, as Kallis and Hickel (Kallis and Hickel, 2019, p. 4; italics added) explain: ‘Global historical trends show relative decoupling but no evidence of absolute decoupling, and twenty-first century trends show not greater efficiency but rather worse efficiency, with re-coupling occurring’.

Second, given the limited evidence for even relative decoupling, it is little surprise that the evidential basis on which claims for the possibility of absolute decoupling rest is even flimsier. In the most comprehensive summary of the modeling evidence to date, Hickel and Kallis (2019) show that even the most optimistic scenarios fail to prove the possibility of absolute decoupling. For example, a modeling study by Schandl et al. (2016) shows that in a ‘high efficiency’ scenario, one that combines a high and rising carbon price plus a doubling in the rate of material efficiency improvement, global resource use grows more slowly (about a quarter the rate of GDP growth) but steadily to reach 95 billion tons in 2050, while global energy use grows from 14,253 million tons of oil equivalent in 2010 to 26, 932 million in 2050. The authors therefore conclude: ‘While some relative decoupling can be achieved in some scenarios, none would lead to an absolute reduction in ... materials footprint’ (Schandl et al., 2016, p. 8). A high efficiency scenario modeled by the UNEP comes to even less optimistic conclusions (with global resource use rising to 132 billion tons in 2050), since it incorporates the ‘rebound effect’ in which efficiency improvements lead to increased consumption due to resulting price reductions (Hickel and Kallis, 2019). In short, as they conclude, these ‘models suggest that absolute decoupling is not feasible on a global scale in the context of continued economic growth’ (Hickel and Kallis, 2019, p. 6).

Third, the critics show that even if absolute decoupling (from both emissions and total environmental impact) were possible in principle, this would need to occur fast enough to prevent transgression of ecological tipping points. Just focusing on the climate problem, the 2018 IPCC report claims that emissions must be reduced 7 per cent annually to reach net zero by 2050 in order to achieve the 1.5 C target, whereas they must reduce 4 per cent annually to reach net zero by 2075 for a shot at the 2 degree target (IPCC, 2018, p. 15). However, even under optimistic assumptions (e.g. a near-term implementation of a high and rising carbon price, alongside heroic carbon intensity improvements), studies suggest that annual declines of 3–4 per cent might be the fastest rate possible assuming continued economic growth (Hickel, 2019). Thus, it would most likely be impossible to meet the 1.5 C target in a context of continuous compound growth. While the 2 degree target might be feasible in this context (assuming implementation of a globally coordinated program starting in 2020), many argue that the IPCC’s estimates downplay the existence of positive feedbacks in the earth system (e.g. Steffen et al., 2018), and thus more rapid emissions cuts might be needed even for 2 degrees. On top of this, economic growth must also be decoupled from impacts on other ‘planetary boundaries’ that may have already been overshot, especially land-use change and biodiversity loss (Raworth, 2017). A number of ecologists believe that to bring humanity back into a ‘safe operating space’, total resource consumption should be reduced from roughly 70 to 50 gigatons per year (Hoekstra and Wiedmann, 2014), while a ‘half earth strategy’ should be implemented that protects 50 per cent of the planet’s surface from direct human interference (up from roughly 18 per cent today) (Wilson, 2017), possibly by 2050 to prevent tipping points in biodiversity loss and land-use change (Hickel and Kallis, 2019). Even if these claims are exaggerated, the magnitude of the overall decoupling challenge remains clear. It would mean that total resource consumption and land use needs to shrink, remain stable, or only increase moderately (depending on our assumptions regarding the further stress (if any) that planetary boundaries can handle) even as the total output of the global economy triples by 2060. It is thus not hyperbole to say, as Boris Frankel puts it, that this goal of absolute decoupling is ‘overwhelmingly staggering in its ambition and historical novelty’ (Frankel, 2018, p. 127).

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

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

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

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

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

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

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

#### Bailey is a climate change denying hack that doesn’t think we can reduce emissions.

Richard 7 (Michael, full-time journalist, he has been interviewed, published, or cited by, among others, the New York Times, the Wall Street Journal, CNN, Andrew Sullivan, Forbes, BoingBoing, the Independent, the LA Times, Wired, Rolling Stone, Harvard Business Publishing, Discovery News, Metro International, etc., 1-16-2007, "Ronald Bailey: "No one paid me to be wrong about global warming", <https://www.treehugger.com/corporate-responsibility/ronald-bailey-no-one-paid-me-to-be-wrong-about-global-warming.html>, MSCOTT)

Ronald Bailey is Reason Magazine's science correspondent, adjunct scholar at CATO and CEI, and editor of the 2002 book Global Warming and Other Myths: How the Environmental Movement Uses False Science to Scare Us to Death. He's been a high profile global warming "skeptic", attacking both the science and the possibility of dealing with greenhouse gas emissions, he also testified before the House Subcommittee on Energy and Mineral Resources on "The Impact of Science on Public Policy" and said in 2004: "Finally, in the real world, absent transformative technological breakthroughs in energy production, whatever the chances that average temperatures may one day exceed 2 degrees Celsius, there is absolutely no chance that steep emissions reductions scenarios are even remotely possible."

Well, it seems that Mr. Bailey has changed his mind and is now trying to explain his past position (we'll leave it up to you to decide if he's convincing, but he deserves credit for the detailed mea culpa) while recognizing the existence of global warming some more. The news is a bit old now, but somehow we missed it back then. ::Confessions of an Alleged ExxonMobil Whore, via ::MetaFilter. See also: ::Michael Shermer on Global Warming: "data trumps politics", ::Sir David Attenborough Condemns Climate Change, ::The 4 Stages of Global Warming Denial

#### Global poverty is increasing because of capitalism — progressive narratives put a happy face on colonialism.

Hickel 19, An academic at the University of London and a fellow of the Royal Society of Arts (Jason, January 29th, “Bill Gates says poverty is decreasing. He couldn’t be more wrong,” *The Guardian*, <https://www.theguardian.com/commentisfree/2019/jan/29/bill-gates-davos-global-poverty-infographic-neoliberal>, Accessed 07-12-2021)

There are a number of problems with this graph, though. First of all, real data on poverty has only been collected since 1981. Anything before that is extremely sketchy, and to go back as far as 1820 is meaningless. Roser draws on a dataset that was never intended to describe poverty, but rather inequality in the distribution of world GDP – and that for only a limited range of countries. There is no actual research to bolster the claims about long-term poverty. It’s not science; it’s social media.

What Roser’s numbers actually reveal is that the world went from a situation where most of humanity had no need of money at all to one where today most of humanity struggles to survive on extremely small amounts of money. The graph casts this as a decline in poverty, but in reality what was going on was a process of dispossession that bulldozed people into the capitalist labour system, during the enclosure movements in Europe and the colonisation of the global south.

Prior to colonisation, most people lived in subsistence economies where they enjoyed access to abundant commons – land, water, forests, livestock and robust systems of sharing and reciprocity. They had little if any money, but then they didn’t need it in order to live well – so it makes little sense to claim that they were poor. This way of life was violently destroyed by colonisers who forced people off the land and into European-owned mines, factories and plantations, where they were paid paltry wages for work they never wanted to do in the first place.

In other words, Roser’s graph illustrates a story of coerced proletarianisation. It is not at all clear that this represents an improvement in people’s lives, as in most cases we know that the new income people earned from wages didn’t come anywhere close to compensating for their loss of land and resources, which were of course gobbled up by colonisers. Gates’s favourite infographic takes the violence of colonisation and repackages it as a happy story of progress.

But that’s not all that’s wrong here. The trend that the graph depicts is based on a poverty line of $1.90 (£1.44) per day, which is the equivalent of what $1.90 could buy in the US in 2011. It’s obscenely low by any standard, and we now have piles of evidence that people living just above this line have terrible levels of malnutrition and mortality. Earning $2 per day doesn’t mean that you’re somehow suddenly free of extreme poverty. Not by a long shot.

Scholars have been calling for a more reasonable poverty line for many years. Most agree that people need a minimum of about $7.40 per day to achieve basic nutrition and normal human life expectancy, plus a half-decent chance of seeing their kids survive their fifth birthday. And many scholars, including Harvard economist Lant Pritchett, insist that the poverty line should be set even higher, at $10 to $15 per day.

So what happens if we measure global poverty at the low end of this more realistic spectrum – $7.40 per day, to be extra conservative? Well, we see that the number of people living under this line has increased dramatically since measurements began in 1981, reaching some 4.2 billion people today. Suddenly the happy Davos narrative melts away.

Moreover, the few gains that have been made have virtually all happened in one place: China. It is disingenuous, then, for the likes of Gates and Pinker to claim these gains as victories for Washington-consensus neoliberalism. Take China out of the equation, and the numbers look even worse. Over the four decades since 1981, not only has the number of people in poverty gone up, the proportion of people in poverty has remained stagnant at about 60%. It would be difficult to overstate the suffering that these numbers represent.

This is a ringing indictment of our global economic system, which is failing the vast majority of humanity. Our world is richer than ever before, but virtually all of it is being captured by a small elite. Only 5% of all new income from global growth trickles down to the poorest 60% – and yet they are the people who produce most of the food and goods that the world consumes, toiling away in those factories, plantations and mines to which they were condemned 200 years ago. It is madness – and no amount of mansplaining from billionaires will be adequate to justify it.

#### CCS is net carbon positive – it’s grossly inefficient, causes upstream emissions, pollution, and leakage

Kubota ‘19 (Taylor Kubota; Citing Mark Z. Jacobson, professor of civil and environmental engineering @ Stanford AND senior fellow at the Stanford Woods Institute for the Environment; 10/25/19; "Study casts doubt on carbon capture"; *Phys*; <https://phys.org/news/2019-10-carbon-capture.html>) \*Upstream emissions = emissions, including from leaks and combustion, from mining and transporting a fuel such as coal or natural gas

One proposed method for reducing carbon dioxide (CO2) levels in the atmosphere—and reducing the risk of climate change—is to capture carbon from the air or prevent it from getting there in the first place. However, research from Mark Z. Jacobson at Stanford University, published in Energy and Environmental Science, suggests that carbon capture technologies can cause more harm than good. "All sorts of scenarios have been developed under the assumption that carbon capture actually reduces substantial amounts of carbon. However, this research finds that it reduces only a small fraction of carbon emissions, and it usually increases air pollution," said Jacobson, who is a professor of civil and environmental engineering. "Even if you have 100 percent capture from the capture equipment, it is still worse, from a social cost perspective, than replacing a coal or gas plant with a wind farm because carbon capture never reduces air pollution and always has a capture equipment cost. Wind replacing fossil fuels always reduces air pollution and never has a capture equipment cost." Jacobson, who is also a senior fellow at the Stanford Woods Institute for the Environment, examined public data from a coal with carbon capture electric power plant and a plant that removes carbon from the air directly. In both cases, electricity to run the carbon capture came from natural gas. He calculated the net CO2 reduction and total cost of the carbon capture process in each case, accounting for the electricity needed to run the carbon capture equipment, the combustion and upstream emissions resulting from that electricity, and, in the case of the coal plant, its upstream emissions. (Upstream emissions are emissions, including from leaks and combustion, from mining and transporting a fuel such as coal or natural gas.) Common estimates of carbon capture technologies—which only look at the carbon captured from energy production at a fossil fuel plant itself and not upstream emissions—say carbon capture can remediate 85-90 percent of carbon emissions. Once Jacobson calculated all the emissions associated with these plants that could contribute to global warming, he converted them to the equivalent amount of carbon dioxide in order to compare his data with the standard estimate. He found that in both cases the equipment captured the equivalent of only 10-11 percent of the emissions they produced, averaged over 20 years. This research also looked at the social cost of carbon capture—including air pollution, potential health problems, economic costs and overall contributions to climate change—and concluded that those are always similar to or higher than operating a fossil fuel plant without carbon capture and higher than not capturing carbon from the air at all. Even when the capture equipment is powered by renewable electricity, Jacobson concluded that it is always better to use the renewable electricity instead to replace coal or natural gas electricity or to do nothing, from a social cost perspective. Given this analysis, Jacobson argued that the best solution is to instead focus on renewable options, such as wind or solar, replacing fossil fuels. Efficiency and upstream emissions This research is based on data from two real carbon capture plants, which both run on natural gas. The first is a coal plant with carbon capture equipment. The second plant is not attached to any energy-producing counterpart. Instead, it pulls existing carbon dioxide from the air using a chemical process. Jacobson examined several scenarios to determine the actual and possible efficiencies of these two kinds of plants, including what would happen if the carbon capture technologies were run with renewable electricity rather than natural gas, and if the same amount of renewable electricity required to run the equipment were instead used to replace coal plant electricity. While the standard estimate for the efficiency of carbon capture technologies is 85-90 percent, neither of these plants met that expectation. Even without accounting for upstream emissions, the equipment associated with the coal plant was only 55.4 percent efficient over 6 months, on average. With the upstream emissions included, Jacobson found that, on average over 20 years, the equipment captured only 10-11 percent of the total carbon dioxide equivalent emissions that it and the coal plant contributed. The air capture plant was also only 10-11 percent efficient, on average over 20 years, once Jacobson took into consideration its upstream emissions and the uncaptured and upstream emissions that came from operating the plant on natural gas. Due to the high energy needs of carbon capture equipment, Jacobson concluded that the social cost of coal with carbon capture powered by natural gas was about 24 percent higher, over 20 years, than the coal without carbon capture. If the natural gas at that same plant were replaced with wind power, the social cost would still exceed that of doing nothing. Only when wind replaced coal itself did social costs decrease. For both types of plants this suggests that, even if carbon capture equipment is able to capture 100 percent of the carbon it is designed to offset, the cost of manufacturing and running the equipment plus the cost of the air pollution it continues to allow or increases makes it less efficient than using those same resources to create renewable energy plants replacing coal or gas directly. "Not only does carbon capture hardly work at existing plants, but there's no way it can actually improve to be better than replacing coal or gas with wind or solar directly," said Jacobson. "The latter will always be better, no matter what, in terms of the social cost. You can't just ignore health costs or climate costs." This study did not consider what happens to carbon dioxide after it is captured but Jacobson suggests that most applications today, which are for industrial use, result in additional leakage of carbon dioxide back into the air. Focusing on renewables People propose that carbon capture could be useful in the future, even after we have stopped burning fossil fuels, to lower atmospheric carbon levels. Even assuming these technologies run on renewables, Jacobson maintains that the smarter investment is in options that are currently disconnected from the fossil fuel industry, such as reforestation—a natural version of air capture—and other forms of climate change solutions focused on eliminating other sources of emissions and pollution. These include reducing biomass burning, and reducing halogen, nitrous oxide and methane emissions. "There is a lot of reliance on carbon capture in theoretical modeling, and by focusing on that as even a possibility, that diverts resources away from real solutions," said Jacobson. "It gives people hope that you can keep fossil fuel power plants alive. It delays action. In fact, carbon capture and direct air capture are always opportunity costs."

#### Their alt fails card says anti-trust fails.

2AC Hovenkamp, James G. Dinan University Professor, University of Pennsylvania Law School and the Wharton School, ‘18

(Herbert, “Whatever Did Happen to the Antitrust Movement?” Faculty Scholarship at

Penn Law. 1964)

As a movement, antitrust often succeeds at capturing political attention and engaging at least some voters, but it fails at making effective or even coherent policy. The result is goals that are unmeasurable and fundamentally inconsistent, although with their contradictions rarely exposed. Among the most problematic contradictions is the one between small business protection and consumer welfare. In a nutshell, consumers benefit from low prices, high output, and high quality and variety of products and services. But when a firm or a technology is able to offer these things they invariably injure rivals, typically those who are smaller or heavily invested in older technologies. Although movement antitrust rhetoric is often opaque about specifics, its general effect is invariably to encourage higher prices or reduced output or innovation, mainly for the protection of small business or those whose technology or other investments have become obsolete. Indeed, that has been a predominant feature of movement antitrust ever since the Sherman Act was passed, and it remains a prominent feature of movement antitrust today. Indeed, some spokespersons for movement antitrust write, as Louis Brandeis did, as if low prices are the evil that antitrust law should be combatting.17

Nevertheless, mantras such as “industrial concentration” or “big business” have great political force. These terms provide almost nothing in the way of administrable rules while yet evoking an image of something big, bad, and powerful that government must bring under control. For example, here is the plank of the 2016 Democratic Party’s platform on antitrust:

Large corporations have concentrated their control over markets to a greater degree than Americans have seen in decades—further evidence that the deck is stacked for those at the top. Democrats will take steps to stop corporate concentration in any industry where it is unfairly limiting competition. We will make competition policy and antitrust stronger and more responsive to our economy today, enhance the antitrust enforcement arms of the Department of Justice (DOJ) and the Federal Trade Commission (FTC), and encourage other agencies to police anti-competitive practices in their areas of jurisdiction.

We support the historic purpose of the antitrust laws to protect competition and prevent excessively consolidated economic and political power, which can be corrosive to a healthy democracy. We support reinvigorating DOJ and FTC enforcement of antitrust laws to prevent abusive behavior by dominant companies, and protecting the public interest against abusive, discriminatory, and unfair methods of commerce. We support President Obama’s recent Executive Order, directing all agencies to identify specific actions they can take in their areas of jurisdiction to detect anticompetitive practices—such as tying arrangements, price fixing, and exclusionary conduct—and to refer practices that appear to violate federal antitrust law to the DOJ and FTC.18

The antitrust plank never references low consumer prices, or anything having to do with product quality. That is not because Democrats are not interested in low consumer prices.19 Rather, they apparently believe that antitrust has little to do with it. The references to prices occur in other sections of the platform, devoted to such subjects as health and safety and the high price of pharmaceutical drugs. Those sections make no reference to antitrust law.20 The only references to “consumers” occur in planks pertaining to unionization, affordable housing, Wall Street, banks and Dodd-Frank, and clean energy.21 So according to the platform, while legal policy generally is concerned with high consumer prices, antitrust policy apparently is not. By contrast, the 2016 Republican platform never references antitrust, although it does contain a plank promoting a “competitive America,” but focused entirely on lowering tax rates.22

The antitrust plank in the 2016 Democrat platform is actually one of the most detailed to appear in any platform by a major political party.23 The catchphrases that it uses, however—“corporate concentration,” “unfairly limiting competition,” or “abusive behavior by dominant companies”—can mean practically anything depending on assumptions. The platform is peppered with references to “fair” or “fairness,” including the antitrust plank, but with no reference point indicating how fairness should be assessed. Is it “fair” that consumers be asked to pay high prices in order to accommodate the shortcomings of some businesses; or conversely, is it “fair” that small businesses suffer simply because they are not able to compete with larger firms on price or quality; or is it “fair” that firms heavily invested in old brick-andmortar distribution lose out to more technologically entrepreneurial firms? “Fairness” as an antitrust concern means nothing without a reference point or set of measurement tools.

As for specific practices, the antitrust plank in the Democrat platform singles out “tying arrangements, price fixing, and exclusionary conduct,” saying nothing about mergers, other vertical restraints, or anticompetitive patent practices. In fact, the platform never mentions patents, although it makes frequent references to innovation, largely in the context of proposed government intervention to stimulate production24 or to finance research and development and educate people for more technically demanding jobs.25 Of the three anticompetitive practices that it singles out, “price fixing” is completely uncontroversial and has always been a central focus of nearly every articulation of antitrust policy, left, center, and right—including in Bork’s The Antitrust Paradox. 26 The term “exclusionary conduct” is so vague that it is meaningless. Both socially harmful and socially beneficial conduct can be “exclusionary.” The inclusion of “tying arrangements” is mystifying. Tying is ubiquitous in modern economies and is an essential characteristic of networks and technology.27 Further, the vast majority of it is procompetitive because it increases output without excluding anyone. Finally, the number of antitrust tying cases is small in comparison with merger cases, which make up a large portion of antitrust enforcement activity. A major party platform that identifies “tying arrangements” but not “mergers” as a fundamental concern requires an explanation. Most importantly, it seems to miss the whole point of competitive markets, which is to produce a high output of quality, competitively priced goods.

At least in part, the Democratic Party platform reflects the reappearance of movement antitrust. While it is hardly the only expression, and certainly not the most extreme, it represents a troublesome development—namely, the idea that America needs higher prices in order to give smaller firms a fair chance. The platform also gives a reader the strong impression that its slogans were selected in order to achieve maximum political traction with the illiterati, and perhaps that is all that can be expected of a political platform. In the process, however, it does antitrust policy a great disservice by making its legitimate targets almost impossible to define and not providing ammunition for attacking them when they are defined. Its supporters generally disparage the use of economics, sometimes suggesting that antitrust policy should be governed by political theory instead.28 Exactly how political theory gets one to specific antitrust rules is not completely clear, but it involves excluding the opinions of antitrust experts concerning the public’s interest.29

Movement antitrust argues variously for abandoning the measurement of competition by reference to output and price,30 or even abandoning consumer welfare as an antitrust proscription altogether.31 It accuses retailers such as Amazon of engaging in “predatory pricing” without providing a coherent definition of the practice.32 It never explains how a nonmanufacturing retailer such as Amazon could ever recover its investment in belowcost pricing by later raising prices, and even disputes that raising prices to higher levels ever needs to be a part of the strategy, thus indicating that it is confusing predation with investment.33 Charging low but profitable prices indefinitely is not unlawful “predatory pricing”‘ nor is forcing suppliers to price competitively.

# 1NR

#### Sanctions deny the basic necessities of life.

Addis 3 (Adeno Addis is William Ray Forrester Professor of Public and Constitutional Law at Tulane University Law School. He received his B.A. and LL.B. (Honours) from Macquarie University (Australia), and an LL.M. and a J.S.D from Yale. He has published extensively in the areas of American constitutional law, communications law, human rights, and jurisprudence. Human Rights Quarterly 25.3 (2003) 573-623)

Other critics may concede that more often than not such measures would lead to the desired behavior modification, but at a cost that is often unacceptably high. Economic sanctions deprive citizens of the target state many of the basic necessities of life, leading to massive disruption and even destruction of life. The often high cost in life, liberty, and property that economic sanctions exact on innocent citizens and sectors of the target state are, to these critics, simply unacceptable even if at the end there was to be a change in the action and behavior of the regime of the target state. The moral and material costs that sanctions entail are, to these critics, simply too high to bear. Actually, there are two versions of the moral argument. The weak version is utilitarian in nature. It claims that often the cost in innocent human life and infrastructural damage is far greater than the benefit that is gained by imposing these sanctions. 13 The strong version of the moral argument is Kantian in its outlook. It objects to economic sanctions on the ground that often, if not always, sanctions target innocent civilians for suffering as a means to achieving a foreign policy objective, contrary to Kant's categorical imperative that we treat "humanity, whether in [our] person or in the person of any other, never simply as a means, but always at the same time as an end." 14 The argument here is that it is morally [End Page 576] unacceptable to impose suffering on innocent sectors of the target state, as economic sanctions do, for an objective that does not involve the prevention of the deaths of other innocent persons. 15

Aff definitely links---2ac c/x explanation was that they make it impossible for North Korea to evade sanctions

#### Denuclearization fails---empirics and leverage.

Narang et. al 17, \*Ankit Panda is a senior editor at The Diplomat and an independent researcher; \*Vipin Narang is an associate professor of political science at the Massachusetts Institute of Technology. (July 6th, 2017, “North Korea’s ICBM: A New Missile and a New Era”, https://warontherocks.com/2017/07/north-koreas-icbm-a-new-missile-and-a-new-era/)

The third option is to consider negotiating with North Korea. This approach has been tried before, both bilaterally and multilaterally, and has always been a difficult sell to those in the policymaking community, who correctly note that it is North Korea that has been consistently in the wrong for years now, carrying out ballistic missile tests and nuclear [tests in violation of U.N. Security Council resolutions](https://www.armscontrol.org/factsheets/UN-Security-Council-Resolutions-on-North-Korea). Pyongyang also maintains little goodwill or trust with prospective interlocutors given its decision to [violate the spirit of the 1994 U.S.-North Korea Agreed Framework](https://www.armscontrol.org/factsheets/agreedframework) by starting a clandestine uranium enrichment program and its refusal to recommit to denuclearization. Still, the Agreed Framework, despite its collapse in 2002, did succeed in delaying North Korea’s ultimate acquisition of the bomb by [freezing its plutonium stockpile](http://www.38north.org/2015/05/jlewis051415/). If there’s a lesson to be learned from the agreement, it’s that negotiations can buy time, even with a dearth of trust between the United States and North Korea.

However, one new problem with negotiations that moots many of the conditions that allowed for a freeze deal like the Agreed Framework is that North Korea, by showing us a working ICBM, has upped the ante and gained considerable leverage in any future talks. North Korea would presumably acquiesce to a freeze on its ballistic missile and nuclear testing, but its demands for concessions can now grow credibly steeper. Any prospective agreement with North Korea would require explicit acceptance of their nuclear state status and significant rollbacks to the U.S. conventional military presence in the Northeast Asian theater, both of which are nonstarters for the United States.

#### 3---North Korea will default to alternative, non-escalatory measures.

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Robert Jervis expounds on the role of uncertainty, arguing that uncertainty is what makes nuclear weapons effective for deterring even limited wars, not just major attacks. “Because escalation can occur although no one wants it to, mutual second-strike capability does not make the world safe for major provocations and limited wars.” This logic contradicts arguments about a potential “stability-instability” paradox in which nuclear stability creates instability by making lower levels of violence safe. As Jervis argues, it is because we do not live in a “world of certainties – one in which decision-makers can predict how the other side will react,” that even limited conflicts are deterred. With regard to North Korea, this type of reasoning would imply that North Korea should refrain from initiating crises knowing that a larger and more dangerous conflict it cannot expect to win may result. Instead, North Korea will likely remain content with increased security, international recognition, and prestige .

#### No AI arms racing

Dr. Michael C. Horowitz 18, Professor of Political Science and the Associate Director of Perry World House at the University of Pennsylvania, May, "Artificial Intelligence, International Competition, and the Balance of Power," Texas National Security Review, https://tnsr.org/2018/05/artificial-intelligence-international-competition-and-the-balance-of-power/

However, it is not yet clear how the invention of specific AI applications will translate into military power. Despite continuing investment, efforts to integrate AI technologies into militaries have been limited.39 Project Maven is the first activity of an “Algorithmic Warfare” initiative in the U.S. military designed to harness the potential of AI and translate it into usable military capabilities. Still, many investments in the United States and elsewhere are in early stages. As Missy L. Cummings writes: Autonomous ground vehicles such as tanks and transport vehicles are in development worldwide, as are autonomous underwater vehicles. In almost all cases, however, the agencies developing these technologies are struggling to make the leap from development to operational implementation.40 It is important to distinguish these potential technological innovations from military innovations. While military innovations are often linked to changes in technology,41 it is not always the case. Military innovations are significant changes in organizational behavior and ways that a military fights that are designed to increase its ability to effectively translate capabilities into power.42 The use of aircraft carriers as mobile airfields by the United States and Japan is a prototypical example. While AI could potentially enable a number of military innovations, it is not a military innovation itself, and no applications of AI have been used in ways that would count as a military innovation at this point. Because AI research and technology are still in their early stages, usage of AI in warfare is not even yet analogous to the first use of the tank in World War I, let alone effective use of combined arms warfare by the Germans in World War II (the military innovation now known as blitzkrieg). This limits analyses about how narrow AI might one day affect the balance of power and international politics. Most research on technology and international politics focuses on specific, mature technologies, such as nuclear weapons, or on military innovations.43 Since AI is at an early stage, examining it requires adapting existing theories about military technology and military innovation.44

#### Too many logistical barriers to effective application of A.I. to the military.

[Horowitz](https://thebulletin.org/biography/michael-c-horowitz/), 18 – [Michael C. Horowitz is an associate professor of political science and the associate director of Perry World House at the University of Pennsylvania “The promise and peril of military applications of artificial intelligence”, (https://thebulletin.org/landing\_article/the-promise-and-peril-of-military-applications-of-artificial-intelligence/)]

Barriers to effective uses of artificial intelligence. Military adoption of AI faces both technological and organizational challenges, and some are the types of [first-order concerns](https://arxiv.org/abs/1802.0722) about [safety and reliability](https://arxiv.org/abs/1606.06565) that could derail the enterprise so the vaunted AI-based transformation of modern militaries never really occurs. These technological challenges fall into two broad categories: internal reliability and external exploitation. The specific character of narrow AI systems means they are trained for very particular tasks, whether that is playing chess or interpreting images. In warfare, however, the environment shifts rapidly due to fog and friction, as Clausewitz famously outlined. If the context for the application of a given AI system changes, AI systems may be unable to adapt. This fundamental brittleness thus becomes a risk to the reliability of the system. AI systems deployed against each other on the battlefield could generate complex environments that go beyond the ability of one or more systems to comprehend, further accentuating the brittleness of the systems and increasing the potential for [accidents and mistakes](https://papers.ssrn.com/sol3/papers.cfm?abstract_id=3161446). The very nature of AI, which means a machine determining the best action and taking it, may make it hard to predict the behavior of AI systems. For example, when AlphaGo defeated Lee Sedol, one of the best Go players in the world, the second game included a moment when AlphaGo made a move so unusual that Sedol left the room for 15 minutes to consider what had just happened. It turned out that the move was simply something that even an elite human player would not consider, but [the machine had figured out](https://www.wired.com/2016/03/two-moves-alphago-lee-sedol-redefined-future/). That shows the great potential of AI to improve on decision-making processes. However, militaries run based on reliability and trust—if human operators, whether in a command center or on the battlefield, do not know exactly what an AI will do in a given situation, it could complicate planning, making operations more difficult and accidents more likely. The challenge of programming an AI system for every possible contingency can also undermine reliability. Take an AI system trained to play the game Tetris. The researchers that developed it discovered that the AI had trained itself to pause the game anytime it was about to lose, to fulfill the command that instructed it to [maximize the probability of victory](https://www.cs.cmu.edu/~tom7/mario/mario.pdf) with every move. This adaptation by the AI reflects behavioral uncertainty beyond what most militaries would tolerate. Challenges with bias and appropriate training data could further make reliability difficult. Explainability represents another challenge for AI systems. It is important for a system to not just be reliable, but be explainable in a way that allows others to have trust. If an AI system behaves a certain way in classifying an image or avoiding adversary radars, but cannot output why it made a particular choice, humans may be less likely to trust it. Reliability is not simply a matter of AI system design. Warfare is a competitive endeavor, and just as militaries and intelligence organizations attempt to hack and disrupt the operations of potential adversaries in peacetime and wartime today, the same would likely be true of a world with AI systems, whether those systems were in a back office in Kansas or deployed on a battlefield. Researchers have already demonstrated the way that image recognition algorithms are susceptible to [pixel-level poisoned data](https://arxiv.org/abs/1412.1897) that leads to classification problems. Algorithms trained on open-source data could be particularly vulnerable to this challenge as adversaries attempt to “poison” the data that other countries might even be plausibly using to train algorithms for military purposes. This adversarial data problem is significant. Hacking could also lead to the exploitation of algorithms trained on more secure networks, illustrating a critical [interaction between cybersecurity and artificial intelligence](https://arxiv.org/abs/1802.07228) in the national security realm.

#### Their cyber-threat construction is self-fulfilling, this turns the case

**Valeriano, 15** - Senior Lecturer at the University of Glasgow in Politics and Global Security. (Brandon, Cyber War Versus Cyber Realities: Cyber Conflict in the International System p. 2-4

Currently, the cyberspace arena is the main area of international conflict where we see the development of a fear-based process of threat construction becoming dominant. The fear associated with terrorism after September 11, 2001, has dissipated, and in many ways has been replaced with the fear of cyber conflict, cyber power, and even cyber war.' With the emergence of an Internet society and rising interconnectedness in an ever more globalized world, many argue that we must also fear the vulnerability that these connections bring about. Advances and new connections such as drones, satellites, and cyber operational controls can create conditions that interact to produce weaknesses in the security dynamics that are critical to state survival. Dipert (2010: 402) makes the analogy that surfing in cyberspace is like swimming in a dirty pool. The developments associated with Internet life also come with dangers that are frightening to many.

In order to provide an alternative to the fear-based discourse, we present empirical evidence about the dynamics of cyber conflict. Often realities will impose a cost on exaggerations and hyperbole. We view this process through the construction of cyber threats. The contention is that the cyber world is dangerous, and a domain where traditional security considerations will continue to play out. A recent Pew Survey indicates that 70 percent of Americans see cyber incidents from other countries as a major security threat to the United States, with this threat being second only to that from Islamic extremist groups.2

This fear is further deepened by hyperbolic statements from the American elite. US President Barack Obama has declared that the "cyber threat is one of the most serious economic and national security challenges we face as a nation."3 Former US Defense Secretary Leon Panetta has gone further, stating, "So, yes, we are living in that world. I believe that it is very possible the next Pearl Harbor could be a cyber attack ... [that] would have one hell of an impact on the United States of America. That is something we have to worry about and protect against."4 United States elites are not alone in constructing the cyber threat. Russian President Vladimir Putin, in response to the creation of a new battalion of cyber troops to defend Russian cyberspace, noted, "We need to be prepared to effectively combat threats in cyberspace to increase the level of protection in the appropriate infrastructure, particularly the information systems of strategic and critically important facilities."\* The social construction of the cyber threat is therefore real; the aim of this book is to find out if these elite and public constructions are backed with facts and evidence.

First, we should define some of our terms to prepare for further engagement of our topic. This book is focused on international cyber interactions. The prefix cyber simply means computer or digital interactions, which are directly related to cyberspace, a concept we define as the networked system of microprocessors, mainframes, and basic computers that interact at the digital level. Our focus in this volume is on what we call cyber conflict, the use of computational technologies for malevolent and destructive purposes in order to impact, change, or modify diplomatic and military interactions among states. Cyber war would be an escalation of cyber conflict to include physical destruction and death. Our focus, therefore, is on cyber conflict and the manifestation of digital animosity short of and including frames of war. These terms will be unpacked in greater detail in the chapters that follow.

The idea that conflict is the foundation for cyber interactions at the interstate level is troubling. Obviously many things are dangerous, but we find that the danger inherent in the cyber system could be countered by the general restraint that might limit the worst abuses in the human condition. By countering what we assert to be an unwarranted construction of fear with reality, data, and evidence, we hope to move beyond the simple pessimistic construction of how digital interactions take place, and go further to describe the true security context of inter- national cyber politics.

In this project we examine interactions among interstate rivals, the most contentious pairs of states in the international system. The animosity between rivals often builds for centuries, to the point where a rival state is willing to harm itself in order to harm its rival even more (Valeriano 2013). If the cyber world is truly dangerous, we would see evidence of these disruptions among rival states with devastating effect. Rivals fight the majority of wars, conflicts, and disputes (Diehl and Goertz 2000), yet the evidence presented here demonstrates that the cyber threat is restrained at this point.6 Overstating the threat is dangerous because the response could then end up being the actual cause of more conflict. Reactions to threats must be proportional to the nature of the threat in the first place. Otherwise the threat takes on a life of its own and becomes a self-fulfilling prophecy of all-out cyber warfare.

Furthermore, there is a danger in equivocating the threat that comes from non-state cyber individuals and the threats that come from state-affiliated cyber actors not directly employed by governments. If the discourse is correct, non-state entities such as terrorist organizations or political activist groups should be actively using these malicious tactics in cyberspace in order to pro- mote their goals of fear and awareness of their plight. If the goal is to spread fear and instability among the perceived enemies of this group, and cyber tactics are the most effective way to do this, we should see these tactics perpetrated—and perpetrated often—by these entities. This book examines how state-affiliated non-state actors use cyber power and finds that their actual capabilities to do physical harm via cyberspace are quite limited. This then leaves rogue actors as the dangerous foes in the cyber arena. While these individuals can be destructive, their power in no way compares to the resources, abilities, and capabilities of cyber power connected to traditional states.

The future is open, and thus the cyber world could become dangerous, yet the norms we see developing so far seem to limit the amount of harm in the system. If these norms hold, institutions will develop to manage the worst abuses in cyberspace, and states will focus on cyber resilience and basic defense rather than offensive technologies and digital walls. Cyberspace would therefore become a fruitful place for developments for our globalized society. This arena could be the place of digital collaboration, education, and exchanges, communicated at speeds that were never before possible. If states fall into the trap of buying into the fear-based cyber hype by developing offensive weapons under the mistaken belief that these actions will deter future incidents, cyberspace is doomed. We will then have a restricted technology that prevents the developments that are inherent in mankind's progressive nature.

#### No cyber impact.

Lewis 20, PhD, a senior vice president and director of the Technology Policy Program at the Center for Strategic and International Studies in Washington, D.C. (James Andrew, 8-17-2020, "Dismissing Cyber Catastrophe", *CSIS*, https://www.csis.org/analysis/dismissing-cyber-catastrophe)

A catastrophic cyberattack was first predicted in the mid-1990s. Since then, predictions of a catastrophe have appeared regularly and have entered the popular consciousness. As a trope, a cyber catastrophe captures our imagination, but as analysis, it remains entirely imaginary and is of dubious value as a basis for policymaking. There has never been a catastrophic cyberattack.

To qualify as a catastrophe, an event must produce damaging mass effect, including casualties and destruction. The fires that swept across California last summer were a catastrophe. Covid-19 has been a catastrophe, especially in countries with inadequate responses. With ~~man-made~~ actions, however, a catastrophe is harder to produce than it may seem, and for cyberattacks a catastrophe requires organizational and technical skills most actors still do not possess. It requires planning, reconnaissance to find vulnerabilities, and then acquiring or building attack tools—things that require resources and experience. To achieve mass effect, either a few central targets (like an electrical grid) need to be hit or multiple targets would have to be hit simultaneously (as is the case with urban water systems), something that is itself an operational challenge.

It is easier to imagine a catastrophe than to produce it. The 2003 East Coast blackout is the archetype for an attack on the U.S. electrical grid. No one died in this blackout, and services were restored in a few days. As electric production is digitized, vulnerability increases, but many electrical companies have made cybersecurity a priority. Similarly, at water treatment plants, the chemicals used to purify water are controlled in ways that make mass releases difficult. In any case, it would take a massive amount of chemicals to poison large rivers or lakes, more than most companies keep on hand, and any release would quickly be diluted.

More importantly, there are powerful strategic constraints on those who have the ability to launch catastrophe attacks. We have more than two decades of experience with the use of cyber techniques and operations for coercive and criminal purposes and have a clear understanding of motives, capabilities, and intentions. We can be guided by the methods of the Strategic Bombing Survey, which used interviews and observation (rather than hypotheses) to determine effect. These methods apply equally to cyberattacks. The conclusions we can draw from this are:

Nonstate actors and most states lack the capability to launch attacks that cause physical damage at any level, much less a catastrophe. There have been regular predictions every year for over a decade that nonstate actors will acquire these high-end cyber capabilities in two or three years in what has become a cycle of repetition. The monetary return is negligible, which dissuades the skilled cybercriminals (mostly Russian speaking) who might have the necessary skills. One mystery is why these groups have not been used as mercenaries, and this may reflect either a degree of control by the Russian state (if it has forbidden mercenary acts) or a degree of caution by criminals.

There is enough uncertainty among potential attackers about the United States’ ability to attribute that they are unwilling to risk massive retaliation in response to a catastrophic attack. (They are perfectly willing to take the risk of attribution for espionage and coercive cyber actions.)

No one has ever died from a cyberattack, and only a handful of these attacks have produced physical damage. A cyberattack is not a nuclear weapon, and it is intellectually lazy to equate them to nuclear weapons. Using a tactical nuclear weapon against an urban center would produce several hundred thousand casualties, while a strategic nuclear exchange would cause tens of millions of casualties and immense physical destruction. These are catastrophes that some hack cannot duplicate. The shadow of nuclear war distorts discussion of cyber warfare.

State use of cyber operations is consistent with their broad national strategies and interests. Their primary emphasis is on espionage and political coercion. The United States has opponents and is in conflict with them, but they have no interest in launching a catastrophic cyberattack since it would certainly produce an equally catastrophic retaliation. Their goal is to stay below the “use-of-force” threshold and undertake damaging cyber actions against the United States, not start a war.

This has implications for the discussion of inadvertent escalation, something that has also never occurred. The concern over escalation deserves a longer discussion, as there are both technological and strategic constraints that shape and limit risk in cyber operations, and the absence of inadvertent escalation suggests a high degree of control for cyber capabilities by advanced states. Attackers, particularly among the United States’ major opponents for whom cyber is just one of the tools for confrontation, seek to avoid actions that could trigger escalation.

The United States has two opponents (China and Russia) who are capable of damaging cyberattacks. Russia has demonstrated its attack skills on the Ukrainian power grid, but neither Russia nor China would be well served by a similar attack on the United States. Iran is improving and may reach the point where it could use cyberattacks to cause major damage, but it would only do so when it has decided to engage in a major armed conflict with the United States. Iran might attack targets outside the United States and its allies with less risk and continues to experiment with cyberattacks against Israeli critical infrastructure. North Korea has not yet developed this kind of capability.

One major failing of catastrophe scenarios is that they discount the robustness and resilience of modern economies. These economies present multiple targets and configurations; they are harder to damage through cyberattack than they look, given the growing (albeit incomplete) attention to cybersecurity; and experience shows that people compensate for damage and quickly repair or rebuild. This was one of the counterintuitive lessons of the Strategic Bombing Survey. Pre-war planning assumed that civilian morale and production would crumple under aerial bombardment. In fact, the opposite occurred. Resistance hardened and production was restored.1

This is a short overview of why catastrophe is unlikely. Several longer CSIS reports go into the reasons in some detail. Past performance may not necessarily predict the future, but after 25 years without a single catastrophic cyberattack, we should invoke the concept cautiously, if at all. Why then, it is raised so often?