## 1NC

### 1

T Prohibition

**Prohibition requires forbidding a practice, that’s distinct from a mere hindrance**

**Van Eaton** et al **17** (Joseph Van Eaton, Gail Karish Gerard Lavery Lederer, lawyers for BEST BEST & KRIEGER, LLP. Michael Watza, KITCH DRUTCHAS WAGNER VALITUTTI & SHERBROOK, “BEFORE THE FEDERAL COMMUNICATIONS COMMISSION WASHINGTON, D.C”, COMMENTS OF SMART COMMUNITIES SITING COALITION, March 8, 2017 , https://tellusventure.com/downloads/policy/fcc\_row/smart\_communities\_siting\_coaltion\_comments\_mobilitie\_8mar2017.pdf)

2. What are at issue legally are prohibitions and effective prohibitions, and not hindrances, as the Commission seems to suggest in its Notice. The term “prohibit” is not defined in the Act, but it has an ordinary meaning: to formally forbid (something) by law, rule, or other authority; or to “prevent, stop, rule out, preclude, make impossible.” A mere “hindrance” “is simply not **in accord with** the ordinaryand fairmeaning” ofthe termprohibit,104 and can provide no basis for additional Commission intrusions on local authority over wireless facilities. Much of what Mobilitie complains about is a “hindrance” at most (and usually a hindrance magnified by its own actions).

#### Violation—the aff is a presumption

Ahrens 2k (Deborah Ahrens-J.D., magna cum laude, New York University School of Law, 2000. NOTE:NOT IN FRONT OF THE CHILDREN: PROHIBITION ON CHILD CUSTODY AS CIVIL BRANDING FOR CRIMINAL ACTIVITY, 75 N.Y.U.L. Rev. 737, 764-765, June, 2000, Lexis, accessed via KU libraries, date accessed 12/22/21)

Statutes enacted in Arkansas, California, and Washington seem facially less troublesome; these statutes only affect the ability of persons convicted of sexual offenses against children to live in homes with children, and the Arkansas and Washington statutes only affect [\*765] convicted persons during the period of their probation. 128 Further, these statutes are presumptions against custody, in contrast with the Alabama statute's absolute prohibition (although the requirements to overcome these presumptions can be substantial). 129 Some aspects of these statutes, however, are actually tougher on released persons; in particular, none of these states makes exception for the person's own children. 130 California's statute, further, was amended in 1998 to create a presumption, not only against physical custody for persons convicted of sexual offenses, but against any legal custody, including visitation. 131

#### Vote Neg:

#### 1. Limits—there are infinite ways to tinker incrementally absent prohibition

#### 2. Ground—only forbidding a practice guarantees the neg link uniqueness for core DAs

### 2

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

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Limitations of liberal and progressive ‘techlash’ reforms

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

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

Legal reformers

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

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

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

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

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

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

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

#### The American national economy can only sustain itself by externalizing the negatives of capitalist growth onto the periphery. Reform only prolongs imperial exploitation, escalating interventionism, and neoliberal austerity.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

#### The alternative is a worker’s international. Latent unrest exists globally, international movements directed by the Global South can counter capitalist imperialism.

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

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

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

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

Marx’s Communism as the Socialist Ideal In The Critique of the Gotha Programme—written in opposition to the economistic and laborist notions of the branch of German Social Democracy influenced by Ferdinand Lassalle—Marx designated two historical “phases” in the struggle to create a society of associated producers. The first phase was initiated by the “revolutionary dictatorship of the proletariat,” reflecting the class-war experience of the Paris Commune and representing a period of workers’ democracy, but one that still carried the “defects” of capitalist class society. In this initial phase, not only would a break with capitalist private property take place, but also a break with the capitalist state as the political command structure of capitalism.17 As a measure of the limited nature of socialist transition in this stage, production and distribution would inevitably take the form of to each according to one’s labor, perpetuating conditions of inequality even while creating the conditions for their transcendence. In contrast, in the later phase, the principle governing society would shift to from each according to one’s ability, to each according to one’s need and the elimination of the wage system.18 Likewise, while the initial phase of socialism/communism would require the formation of a new political command structure in the revolutionary period, the goal in the higher phase was the withering away of the state as a separate apparatus standing above and in antagonistic relation to society, to be replaced with a form of political organization that Frederick Engels referred to as “community,” associated with a communally based form of production.19 In the later, higher phase of the transition of socialism/communism, not only would property be collectively owned and controlled, but the constitutive cells of society would be reconstituted on a communal basis and production would be in the hands of the associated producers. In these conditions, Marx stated, “labor” will have become not a mere “means of life” but “itself…the prime necessity of life.”20 Production would be directed at use values rather than exchange values, in line with a society in which “the free development of each” would be “the condition for the free development of all.” The abolition of capitalist class society and the creation of a society of associated producers would lead to the end of class exploitation, along with the elimination of the divisions between mental and manual labor and between town and country. The monogamous, patriarchal family based on the domestic enslavement of women would also be surmounted.21 Fundamental to Marx’s picture of the higher phase of the society of associated producers was a new social metabolism of humanity and the earth. In his most general statement on the material conditions governing the new society, he wrote: “Freedom, in this sphere [the realm of natural necessity], can consist only in this, that socialized man, the associated producers, govern the human metabolism of nature in a rational way…accomplishing it with the least expenditure of energy” in the process of promoting conditions of sustainable human development.22 Writing in The State and Revolution and elsewhere, Lenin deftly captured Marx’s arguments on the lower and higher phases, depicting these as the first and second phases of communism. Lenin went on to emphasize what he called “the scientific distinction between socialism and communism,” whereby “what is usually called socialism was termed by Marx the ‘first,’ or lower phase of communist society,” whereas the term communism, meaning “complete communism,” was most appropriately used for the higher phase.23 Although Lenin closely aligned this distinction with Marx’s analysis, in later official Marxism this came to be rigidified in terms of two entirely separate stages, with the so-called communist stage so removed from the stage of socialism that it became utopianized, no longer seen as part of a continuous or ongoing struggle. Based on a wooden conception of the socialist stage and the intermediary principle of distribution to each according to one’s labor, Joseph Stalin carried out an ideological war against the ideal of real equality, which he characterized as a “reactionary, petty-bourgeois absurdity worthy of a primitive sect of ascetics but not of a socialist society organized on Marxist lines.” This same stance was to persist in the Soviet Union in one way or another all the way to Mikhail Gorbachev.24 Hence, as explained by Michael Lebowitz in The Socialist Imperative, “rather than a continuous struggle to go beyond what Marx called the ‘defects’ inherited from capitalist society, the standard interpretation” of Marxism in the half-century from the late 1930s to the late ’80s “introduced a division of post-capitalist society into two distinct ‘stages,’” determined economistically by the level of development of the productive forces. Fundamental changes in social relations emphasized by Marx as the very essence of the socialist path were abandoned in the process of living with and adapting to the defects carried over from capitalist society. Instead, Marx had insisted on a project aimed at building the community of associated producers “from the outset” as part of an ongoing, if necessarily uneven, process of socialist construction.25 This abandonment of the socialist ideal associated with Marx’s higher phase of communism was wrapped up in a complex way with changing material (and class) conditions and eventually the demise of Soviet-type societies, which tended to stagnate once they ceased to be revolutionary and even resurrected class forms, heralding their eventual collapse as the new class or nomenklatura abandoned the system. As Sweezy argued in 1971, “state ownership and planning are not enough to define a viable socialism, one immune to the threat of retrogression and capable of moving forward on the second leg of the movement to communism.” Something more was needed: the continuous struggle to create a society of equals.26 For Marx, the movement toward a society of associated producers was the very essence of the socialist path embedded in “communist consciousness.”27 Yet, once socialism came to be defined in more restrictive, economistic terms, particularly in the Soviet Union from the late 1930s onward, in which substantial inequality was defended, post-revolutionary society lost the vital connection to the dual struggle for freedom and necessity, and hence became disconnected from the long-term goals of socialism from which it had formerly derived its meaning and coherence. Based on this experience, it is evident that the only way to build socialism in the twenty-first century is to embrace precisely those aspects of the socialist/communist ideal that allow a theory and practice radical enough to address the urgent needs of the present, while also not losing sight of the needs of the future. If the planetary ecological crisis has taught us anything, it is that what is required is a new social metabolism with the earth, a society of ecological sustainability and substantive equality. This can be seen in the extraordinary achievements of Cuban ecology, as recently shown by Mauricio Betancourt in “The Effect of Cuban Agroecology in Mitigating the Metabolic Rift” in Global Environmental Change.28 This conforms to what Georg Lukács called the necessary “double transformation” of human social relations and the human relations to nature.29 Such an emancipatory project must necessarily pass through various revolutionary phases, which cannot be predicted in advance. Yet, to be successful, a revolution must seek to make itself irreversible through the promotion of an organic system directed at genuine human needs, rooted in substantive equality and the rational regulation of the human social metabolism with nature.30 Freedom as Necessity Building on G. W. F. Hegel’s philosophy, Engels famously argued in Anti-Dühring that real freedom was grounded in the recognition of necessity. Revolutionary change was the point at which freedom and necessity met in concrete praxis. Although there was such a thing as blind necessity beyond human knowledge, once objective forces were grasped, necessity was no longer blind, but rather offered new paths for human action and freedom. Necessity and freedom fed on each other, requiring new periods of social change and historical transcendence.31 In illustrating this materialist dialectical principle, Lenin acutely observed, “we do not know the necessity of nature in the phenomena of the weather. But while we do not know this necessity, we do know that it exists.”32 We know the human relation to the weather and nature in general inevitably varies with the changing productive relations governing our actions. Today, the knowledge of anthropogenic climate crisis and of extreme weather events is removing human beings from the realm of blind necessity and demanding that the world’s population engage in the ultimate struggle for freedom and survival against catastrophe capitalism. As Marx stated in the context of the severe metabolic rift imposed on Ireland as a result of British colonialism in the nineteenth century, the ecological crisis presents itself as a case of “ruin or revolution.”33 In the Anthropocene, the ecological rift resulting from the expansion of the capitalist economy now exists on a scale rivaling the biogeochemical cycles of the planet. However, knowledge of these objective developments also allows us to conceive the necessary revolution in the social metabolic reproduction of humanity and the earth. Viewed in this context, Marx’s crucial conception of a “community of associated producers” is not to be viewed as simply a far-off utopian conception or abstract ideal but as the very essence of the necessary human defense in the present and future, representing the insistent demand for a sustainable relation to the earth.34 But where is the agent of revolutionary change? The answer is that we are seeing the emergence of the material preconditions of what can be called a global environmental proletariat. Engels’s Condition of the Working Class in England, published in 1845, was a description and analysis of working-class conditions in Manchester, shortly after the so-called Plug Plot Riots and at the height of radical Chartism. Engels depicted the working-class environment not simply in terms of factory conditions, but much more in terms of urban developments, housing, water supply, sanitation, food and nutrition, and child development. The focus was on the general epidemiological environment enforced by capitalism (what Engels called “social murder” and what Norman Bethune later called “the second sickness”) associated with widespread morbidity and mortality, particularly due to contagious disease.35 Marx, under the direct influence of Engels and as a result of his own social epidemiological studies twenty years later while writing Capital, was to see the metabolic rift as arising not only in relation to the degradation of the soil, but equally, as he put it, in terms of “periodical epidemics” induced by society itself.36 What this tells us—and we could find many other illustrations, from the Russian and Chinese Revolutions to struggles in the Global South today—is that class struggle and revolutionary moments are the product of a coalescence of objective necessity and a demand for freedom emanating from material conditions that are not simply economic but also environmental in the broadest sense. Revolutionary situations are thus most likely to come about when a combination of economic and ecological conditions make social transformations necessary, and where social forces and relations are developed enough to make such changes possible. In this respect, looked at from a global standpoint today, the issue of the environmental proletariat overlaps with and is indistinguishable from the question of the ecological peasantry and the struggles of the Indigenous. Likewise, the struggle for environmental justice that now animates the environmental movement globally is in essence a working-class and peoples’ struggle.37 The environmental proletariat in this sense can be seen as emerging as a force all over the world, as evident in the present period of ecological-epidemiological struggle in relation to COVID-19. Yet, the main locus of revolutionary ecological action in the immediate future remains the Global South, faced with the harsh reality of “imperialism in the Anthropocene.”38 As Samir Amin observed in Modern Imperialism, Monopoly Finance Capital, and Marx’s Law of Value, the triad of the United States, Europe, and Japan is already using the planet’s bio-capacity at four times the world average, pointing toward ecological oblivion. This unsustainable level of consumption of resources in the Global North is only possible because a good proportion of the bio-capacity of society in the South is taken up by and to the advantage of these centers [in the triad]. In other words, the current expansion of capitalism is destroying the planet and humanity. The expansion’s logical conclusion is either the actual genocide of the peoples of the South—as “overpopulation”—or, at the least, their confinement to ever-increasing poverty. An eco-fascist strand of thought is being developed which gives legitimacy to this kind of “final solution” to the problem.39 A New System of Social Metabolic Reproduction A revolutionary process of socialist construction aimed at building a new system of social reproduction in conformity with the demands of necessity and freedom cannot occur without an overall “orienting principle” and “measure of achievement” as part of a long-term strategy. It is here, following Mészáros, that the notion of substantive equality or a society of equals, also entailing substantive democracy, comes into play in today’s struggles.40 Such an approach not only stands opposed to capital at its barbaric heart but also opposes any ultimately futile endeavor to stop halfway in the transition to socialism. Immanuel Kant spelled out the dominant liberal view shortly after the French Revolution when he stated that “the general equality of men as subjects in a state coexists quite readily with the greatest inequality in degrees of the possessions men have.… Hence, the general equality of men coexists with great inequality of specific rights of which there may be many.”41 In this way, equality came to be merely formal, existing merely “on paper” as Engels pointed out, not only with respect to the labor contract between capitalist and worker but also in relation to the marriage contract between men and women.42 Such a society establishes, as Marx demonstrated, a “right of inequality, in its content, like every right.”43 The idea of substantive equality, consistent with Marx’s notion of communism, challenges all of this. It demands a change in the constitutive cells of society, which can no longer consist of possessive individualists, or individual capitals, reinforced by a hierarchical state, but must be based on the associated producers and a communal state. Genuine planning and genuine democracy can only start through the constitution of power from the bottom of society. It is only in this way that revolutions become irreversible. It was the explicit recognition of the challenge and burden of twenty-first-century socialism in these terms that represented the extraordinary threat to the prevailing order constituted by the Venezuelan Revolution led by Hugo Chávez. The Bolivarian Republic challenged capitalism from within through the creation of communal power and popular protagonism, generating a notion of revolution as the creation of an organic society, or a new social metabolic order. Chávez, building on the analyses of Marx and Mészáros, mediated by Lebowitz, introduced the notion of “the elementary triangle of socialism,” or (1) social ownership, (2) social production organized by workers, and (3) satisfaction of communal needs.44 Underlying this was a struggle for substantive equality, abolishing the inequalities of the color line and the gender line, the imperial line, and other lines of oppression, as the essential basis for eliminating the society of unequals. In “Communism as an Ideal,” Sweezy emphasized the new forms of labor that would necessarily come into being in a society that used abundant human productivity more rationally. Many categories of work, he indicated, would “be eliminated altogether (e.g. coalmining and domestic service), and insofar as possible all jobs must become interesting and creative as only a few are today.” The reduction of the enormous waste and destruction inherent in capitalist production and consumption would open up space for the employment of disposable time in more creative ways. In a society of equals—one in which everyone stands in the same relation to the means of production and has the same obligation to work and serve the common welfare—all “needs” that emphasize the superiority of the few and involve the subservience of the many will simply disappear and will be replaced by the needs of liberated human beings living together in mutual respect and cooperation.… Society and the human beings who compose it constitute a dialectical whole: neither can change without changing the other. And communism as an ideal comprises a new society and a new [human being].45 More than simply an ideal, such an organizing principle in which substantive equality and substantive democracy are foremost in the conception of socialism/communism is essential not only to create a socialist path to a better future but as a necessary defense of the global population confronted with the question of survival. Dystopian books and novels notwithstanding, it is impossible to imagine the level of environmental catastrophe that will face the world’s peoples, especially those at the bottom of the imperialist hierarchy, if capitalism’s creative destruction of the metabolism of humanity and the earth is not stopped mid–century. According to a 2020 article on “The Future of the Human Climate Niche” in the Proceedings of the National Academy of Sciences, based on existing trends, 3.5 billion people are projected to be living in unlivable heat outside the human climate niche by 2070, under conditions comparable to those of the Sahara desert.46 Even such projections fail to capture the enormous level of destruction that will fall on the majority of humanity under capitalist business as usual. The only answer is to leave the burning house and to build another now.47

The International of Workers and Peoples

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

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

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

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

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

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

### Advantage 1

#### The aff fuels the myth of pharmaceutical innovation---a competitive drug market might produce the next big diabetes medicine but fails to meaningfully improve global health

**Lexchin 18** , teaches health policy at York University and is an emergency physician with the University Health Network in Toronto. (Joel, 3/1/2018, “The Pharmaceutical Industry in Contemporary Capitalism,” *Monthly Review*, <https://monthlyreview.org/2018/03/01/the-pharmaceutical-industry-in-contemporary-capitalism/> Date Accessed: 3/1/2022)

The pharmaceutical industry has remained near or at the top of the list for profitability for many decades.[1](https://monthlyreview.org/2018/03/01/the-pharmaceutical-industry-in-contemporary-capitalism/#endnote-1) The myth is that its profits come from producing and selling the many therapeutic advances that industry research has generated, but the reality is far different. In the first place, after tax deductions only about 1.3 percent of the money that the industry spends actually goes into basic research, the type of research that leads to new medications.[2](https://monthlyreview.org/2018/03/01/the-pharmaceutical-industry-in-contemporary-capitalism/#endnote-2) Second, most of the new medicines that come from the pharmaceutical corporations offer little to nothing in the way of new therapeutic options. For the decade 2005 to 2014, among 1,032 new drugs and new uses for old drugs introduced into the French market, for example, only sixty-six offered a significant advantage, whereas more than half were rated as “nothing new,” and 177 were judged “unacceptable” because they came with serious safety issues and no benefits.[3](https://monthlyreview.org/2018/03/01/the-pharmaceutical-industry-in-contemporary-capitalism/#endnote-3)

The industry also justifies its high level of profits with the claim that drug development is inherently risky. To this end, the pharmaceutical corporations maintain that only one in every 10,000 molecules actually results in a new drug. Though this may be true, most of the molecules that fall by the wayside do so in the very early stages of development when costs are minimal. The $2.6 billion figure that is now cited as the cost to bring a new drug to market[4](https://monthlyreview.org/2018/03/01/the-pharmaceutical-industry-in-contemporary-capitalism/#endnote-4) comes from data that are confidential, and the calculations are based on a set of assumptions that have been widely challenged.[5](https://monthlyreview.org/2018/03/01/the-pharmaceutical-industry-in-contemporary-capitalism/#endnote-5) Were drug development such a risky proposition, then one would expect that from time to time the fortunes of corporations would vary. On the contrary, since 1980, all the large corporations have done well financially. As Stanley Finkelstein, a physician, and Peter Temin, an economist, both based at the Massachusetts Institute of Technology, point out, “No matter how many times industry analysts warn that a patent expiration is going to make this or that company vanish, it hasn’t happened.”[6](https://monthlyreview.org/2018/03/01/the-pharmaceutical-industry-in-contemporary-capitalism/#endnote-6)

Despite the continuing impressive level of profit, the industry is undergoing a crisis from a trio of causes: patent expirations that were expected to lead to a loss of revenue in the range of $75 billion from 2010 to 2015, a poor pipeline of new drugs, and pressure on prices in many countries including, recently, the United States.[7](https://monthlyreview.org/2018/03/01/the-pharmaceutical-industry-in-contemporary-capitalism/#endnote-7) This crisis reflects the emergence of financialization, the shift in gravity of economic activity from production to finance as a key feature of modern capitalism. Pedro Cuatrecasas, from the Departments of Pharmacology and Medicine at the University of California, San Diego, argues: “Shareholders, investment bankers, and analysts, who know little about drug discovery, place intense pressures on CEOs and their boards for quick returns.”[8](https://monthlyreview.org/2018/03/01/the-pharmaceutical-industry-in-contemporary-capitalism/#endnote-8)

To maintain its attractiveness to the financial community, the pharmaceutical industry has developed several strategies. With the blockbuster model of development drying up, corporations have shifted to a “nichebuster” model. With fewer potential products in the research and development (R&D) pipeline, it is even more critical to ensure that drugs being developed make it through the regulatory process intact, and to do that, industry has deepened its relationship with regulatory agencies to circumvent or corrupt the intent of regulation, often with the collusion of government. Key to the industry’s survival is its ability to extend the period during which it has a monopoly on the sale of products, and that translates into stronger intellectual property rights, both in the developed world and in the developing countries that represent the emerging sites of growth. With the threat of price controls looming, the other way of expanding revenue is to increase the volume of prescriptions for existing and new drugs. The approach to that goal is to control the knowledge about how and when drugs should be prescribed. An exploration of these four points informs the rest of this essay: the development of nichebuster drugs, corrupting the regulatory process, strengthening intellectual property rights, and controlling knowledge about the benefits and harms of pharmaceutical products.

From Blockbuster to Nichebuster

Until a few years ago, the pharmaceutical industry operated on what is known as a blockbuster model. The industry targeted drug development for chronic diseases that were common in developed countries, such as heart disease or diabetes, and then heavily marketed those drugs in the hope of reaching $1 billion annually in sales. Diseases that occurred predominantly or exclusively in developing countries were largely ignored, because the people affected had no meaningful purchasing power. Of 850 new therapeutic products marketed between 2000 and 2011, only thirty-seven (4 percent) were indicated for those types of diseases.[9](https://monthlyreview.org/2018/03/01/the-pharmaceutical-industry-in-contemporary-capitalism/#endnote-9)

Recently, since all the easy targets are exhausted, there has been a shift away from the blockbuster model to the “nichebuster” model, whereby corporations target small therapeutic markets with drugs that they can sell for hundreds of thousands of dollars per year per patient. In this sense, the challenges experienced by the pharmaceutical industry resemble those of others that operate in a capitalist economy. The exhaustion of markets is an intrinsic condition of capitalism that requires “product differentiation,” in this case more and more expensive medications for narrower and narrower markets, assuring requisite growth. In the United States, the cost of disease-modifying drugs for multiple sclerosis has gone from an average of $8,000 to $11,000 per year in the early to mid-1990s to $60,000 annually.[10](https://monthlyreview.org/2018/03/01/the-pharmaceutical-industry-in-contemporary-capitalism/#endnote-10) In 2013, 120 cancer specialists from more than fifteen countries came together to denounce prices for new oncology drugs that had reached $100,000 or more annually.[11](https://monthlyreview.org/2018/03/01/the-pharmaceutical-industry-in-contemporary-capitalism/#endnote-11) The idea that these prices were justified by the cost of R&D should be put to rest, as confirmed by the former CEO of Pfizer, Hank McKinnell, who said, “It’s a fallacy to suggest that our industry, or any industry, prices a product to recapture the R&D budget.”[12](https://monthlyreview.org/2018/03/01/the-pharmaceutical-industry-in-contemporary-capitalism/#endnote-12) Prices are based on what the market will bear. The more desperate patients become, the higher the price they are willing to pay.

#### No impact to disease

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

1.1.3 Engineered pandemics

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

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

#### The aff’s “Extinction first” framing is a new link---it willingly sacrifices billions in the Global South at the altar of a miniscule risk of extinction---there’s a reason only white elites like their impact framing.

Torres 21, PhD candidate at Leibniz Universität Hannover. Previously studied at Harvard University and Brandeis University. Author of Morality, Foresight, and Human Flourishing: An Introduction to Existential Risks (Phil, July 28th, “The Dangerous Ideas of ‘Longtermism’ and ‘Existential Risk’,” *Current Affairs*, <https://www.currentaffairs.org/2021/07/the-dangerous-ideas-of-longtermism-and-existential-risk>, Accessed 10-27-2021)

It’s this line of reasoning that leads Bostrom, Greaves, MacAskill, and others to argue that even the tiniest reductions in “existential risk” are morally equivalent to saving the lives of literally billions of living, breathing, actual people. For example, Bostrom writes that if there is “a mere 1 percent chance” that 10^54 conscious beings (most living in computer simulations) come to exist in the future, then “we find that the expected value of reducing existential risk by a mere one billionth of one billionth of one percentage point is worth a hundred billion times as much as a billion human lives.” Greaves and MacAskill echo this idea in a 2021 paper by arguing that “even if there are ‘only’ 1014 lives to come … , a reduction in near-term risk of extinction by one millionth of one percentage point would be equivalent in value to a million lives saved.”

To make this concrete, imagine Greaves and MacAskill in front of two buttons. If pushed, the first would save the lives of 1 million living, breathing, actual people. The second would increase the probability that 10^14 currently unborn people come into existence in the far future by a teeny-tiny amount. Because, on their longtermist view, there is no fundamental moral difference between saving actual people and bringing new people into existence, these options are morally equivalent. In other words, they’d have to flip a coin to decide which button to push. (Would you? I certainly hope not.) In Bostrom’s example, the morally right thing is obviously to sacrifice billions of living human beings for the sake of even tinier reductions in existential risk, assuming a minuscule 1 percent chance of a larger future population: 1054 people.

All of this is to say that even if billions of people were to perish in the coming climate catastrophe, so long as humanity survives with enough of civilization intact to fulfill its supposed “potential,” we shouldn’t be too concerned. In the grand scheme of things, non-runaway climate change will prove to be nothing more than a “mere ripple” —a “small misstep for mankind,” however terrible a “massacre for man” it might otherwise be.

Even worse, since our resources for reducing existential risk are finite, Bostrom argues that we must not “fritter [them] away” on what he describes as “feel-good projects of suboptimal efficacy.” Such projects would include, on this account, not just saving people in the Global South—those most vulnerable, especially women—from the calamities of climate change, but all other non-existential philanthropic causes, too. As the Princeton philosopher Peter Singer writes about Bostrom in his 2015 book on Effective Altruism, “to refer to donating to help the global poor … as a ‘feel-good project’ on which resources are ‘frittered away’ is harsh language.” But it makes perfectly good sense within Bostrom’s longtermist framework, according to which “priority number one, two, three, and four should … be to reduce existential risk.” Everything else is smaller fish not worth frying.

If this sounds appalling, it’s because it is appalling. By reducing morality to an abstract numbers game, and by declaring that what’s most important is fulfilling “our potential” by becoming simulated posthumans among the stars, longtermists not only trivialize past atrocities like WWII (and the Holocaust) but give themselves a “moral excuse” to dismiss or minimize comparable atrocities in the future. This is one reason that I’ve come to see longtermism as an immensely dangerous ideology. It is, indeed, akin to a secular religion built around the worship of “future value,” complete with its own “secularised doctrine of salvation,” as the Future of Humanity Institute historian Thomas Moynihan approvingly writes in his book X-Risk. The popularity of this religion among wealthy people in the West—especially the socioeconomic elite—makes sense because it tells them exactly what they want to hear: not only are you ethically excused from worrying too much about sub-existential threats like non-runaway climate change and global poverty, but you are actually a morally better person for focusing instead on more important things—risk that could permanently destroy “our potential” as a species of Earth-originating intelligent life.

### Advantage 2

#### FTC has sufficient resources now [particularly for scams]

Soto et al. 21, American attorney and Democratic politician from Kissimmee, Florida, who is the U.S. Representative for Florida's 9th district; Lina Khan is Chair at the FTC; Noah Joshua Phillips is Commissioner at the FTC; Rohit Chopra is Commissioner at the FTC; Christine S. Wilson is Commissioner at the FTC, (Darren, “Transforming the FTC: Legislation to Modernize Consumer Protection,” Committee on Energy and Commerce, 6/28/21, <https://energycommerce.house.gov/committee-activity/hearings/hearing-on-transforming-the-ftc-legislation-to-modernize-consumer>)

Noah Joshua Phillips (5:06:17): Thank you, Congressman, I'd just start with the fact that when I began, our budget was about 309 million, I think, something like that, and the latest congressional budget justification has us at 389. So there's been a substantial increase in the ask, including some funding from Congress. So I think it's important to track how those resources are used. But I do think we can do more with more. That's, that's certainly a true thing. But I think it's important to take care in how we spend what we have.

Darren Soto (5:06:46): Thank you. Commissioner Chopra.

Rohit Chopra (5:06:48): Sir, I think - I know every agency says that they need more resources. But just looking at the data, we are stretched completely to capacity and the rubber band is snapping. And if we need to effectively enforce the law, we need the resources. There are so many laws that Congress has recently passed, whether it's relates to opioids or so many other topics, that the FTC has not brought a single law enforcement action on. That's not just resources. That's also Commissioner accountability. But resources will certainly help.

Darren Soto (5:07:25): Commissioner Slaughter.

Christine Williams (5:07:30): Commissioner Slaughter had to leave, but Commissioner Wilson is here. And I would say that our hard working staff have been even harder working during the last 18 months. They are teleworking but they are working incredibly hard to stay on top of the increase in mergers as well as the increase in COVID scams. And I agree with Commissioner Phillips, it's important to understand how we are spending additional appropriations. But I also know that there are many different areas of the economy where Congress has expressed interest in our being very active and aggressive. And it is difficult to do that unless we have the appropriate resources to do that.

#### Expanded enforcement drains finite resources

Dafny 21, Professor of Business Administration at the Harvard Business School and the John F. Kennedy School of Government, and former Deputy Director for Healthcare and Antitrust in the Bureau of Economics at the Federal Trade Commission. Professor Dafny’s research focuses on competition in health care markets, and the intersection of industry and public policy. (Leemore, “The Covid-19 Pandemic Should Not Delay Actions to Prevent Anticompetitive Consolidation in US Health Care Markets,” *Pro Market*, <https://promarket.org/2021/06/10/covid-pandemic-consolidation-pandemic-monopoly/>)

However, as Commissioner Rebecca Slaughter, the current acting FTC chair has noted, these efforts have “faced resistance, with two of these recent victories only coming after district court setbacks.” Blocking a horizontal merger, even when it appears to be an “open and shut” case to a layperson, requires extraordinary resources, including large investigation and litigation teams, as well as economic and other subject matter experts who must analyze the transaction, lay out the case for blocking the merger, and rebut arguments advanced by Defendants’ attorneys and experts. To pick a recent example, consider the proposed merger of two hospital systems in the Memphis area, which the FTC filed to block in November 2020. Based on the FTC’s complaint, the merger would have reduced the number of competing systems from four to three and created a system with over a 50 percent market share. In the face of litigation, the parties abandoned the deal—consistent with this being a straightforward case. Although the FTC prevailed without a trial, it took nearly a year from the merger announcement to the abandonment. Over that period, the FTC likely devoted thousands of staff hours to the investigation and lawsuit and expended substantial taxpayer resources on expert witnesses. The higher the payoff from the merger for the merging parties—and the payoff in the case of an increase in market power can be substantial—the greater the incentive for defendants to invest extraordinary resources to fight a merger challenge. Even if there is only a middling (and in some cases, small) chance of getting a merger through, it may well be in the parties’ interest to see if they can prevail, absorbing the agencies’ (i.e., DOJ and FTC’s) scarce resources in that attempt and preventing them from devoting those resources to investigate other transactions or anticompetitive practices. The substantial resources required to challenge transactions, paired with stagnating enforcement budgets, may explain why authorities have elected not to challenge some horizontal transactions they would likely have challenged in previous eras. Using data on a wide range of industries, antitrust scholar John Kwoka documents that enforcers rarely raise concerns about changes in market structure that used to draw scrutiny—that is, mergers that yield five or more market participants.

#### Major and continued losses cause public outrage that structurally boosts FTC’s enforcement

Kolhatkar 11-29-2021, staff writer at The New Yorker, where she writes about Wall Street, Silicon Valley, economics, and politics. She has written about the Uber C.E.O. Dara Khosrowshahi, the billionaire hedge-fund founder Paul Singer, the rise of artificial intelligence, and the future of the American worker. She appears regularly as a commentator on business and political issues and is a contributor to the New York City public-radio station WNYC and to American Public Media’s “Marketplace.” Previously, she was a features editor and national correspondent at Bloomberg Businessweek, where her work was honored with a New York Press Club award. Her writing has also appeared in New York magazine, The Atlantic, the Times, the Times Book Review, and other publications (Sheelah, “Lina Khan’s Battle to Rein in Big Tech,” The New Yorker, https://www.newyorker.com/magazine/2021/12/06/lina-khans-battle-to-rein-in-big-tech

Suzanne Clark, the president and C.E.O. of the U.S. Chamber of Commerce, told the Journal, “It feels to the business community that the F.T.C. has gone to war against us, and we have to go to war back.” But Khan disputes that she is anti-business. “I think antitrust and anti-monopoly and fair competition are enormously pro-business,” she said. “Monopolistic business practices are not conducive to a robust and thriving economy.” She noted that she had started her career by looking closely at the poultry industry, which was structured like an hourglass. “You have millions of consumers on one end, millions of farmers on the other end, and they’re connected by a very small number of intermediaries,” she said. “I think those types of markets where you have deep asymmetries of power, sometimes on multiple sides of the market, can lead to all sorts of business practices that are harmful.”

In addition to managing political pressure, running the F.T.C. involves overseeing hundreds of people, something Khan has never had to do before, and during a pandemic. “You know, historically you would just have an ice-cream social and the whole team would come in and you’d be able to see everybody,” she said. “Now that looks like a thousand-person Zoom, and Zoom crashes, and half the people can’t get on. . . . There’s a level of clumsiness that comes with just doing these types of transitions during the pandemic.”

In a sense, the real work of Khan’s antitrust fight will be about changing minds over time—first those of consumers, and then those of judges and legislators, who must reshape the legal framework to reflect a new world view. Khan seems to understand this. Still, some longtime staffers at the F.T.C. worry that she is underestimating the risks of pushing ahead with aggressive cases that are likely to fail, and of insulating herself from views that don’t align with hers. “Do you want an F.T.C. chair who’s going to win cases?” a person who has done extensive work in antitrust policy said. “Or do you want an F.T.C. chair who’s going to have glorious, spectacular losses that so enrage people that the system gets fixed?” ♦

#### **Their evidence is prescriptive about a program the FTC should expand---the plan doesn’t do that---yellow**

Rich, 21 – Jessica, Distinguished Fellow - Institute for Technology Law and Policy, Georgetown University Law Center. "Five reforms the FTC can undertake now to strengthen the agency," Brookings, <https://www.brookings.edu/blog/techtank/2021/03/01/five-reforms-the-ftc-can-undertake-now-to-strengthen-the-agency/> -- Iowa

REINVIGORATE AND EXPAND THE FTC’S EVERY COMMUNITY PROGRAM

**[Iowa’s evidence starts]**

Fraud can have a disproportionate effect on certain communities, such as seniors, veterans, African Americans, and Latinos. As a result, during my tenure at the FTC, we created and scaled up an ambitious project called Every Community, the goal of which was to ensure that the agency was reaching and protecting the diverse communities victimized by fraud.

The project included consumer surveys, outreach to community organizations, and data analysis by BE. Among BE’s findings was that Black and Latino communities experienced fraud at higher rates than white communities but reported fraud to the FTC at lower rates—in other words, they were underreporting fraud, highlighting a key challenge for the FTC in reaching and protecting these communities. In making its findings, BE staff had to perform a detailed analysis of fraud and census data, since the FTC’s complaint database contained very limited demographic data.

The FTC should expand this program, especially in light of the recent Executive Order on racial equity and underserved communities, Acting Chairwoman Rebecca Slaughter’s commitment to these issues, and the enhanced data protection mission proposed above. As part of this expanded program, the FTC should collect more demographic data (with appropriate safeguards) to enable the type of analysis discussed above, and task BE with additional studies of the FTC’s reach and impact on different communities. The FTC also should consider hiring experts on racial equity and inclusion to assist with this important work.

#### No AI bias---too far off, technical complexities overwhelm.

Geist 15, MacArthur Nuclear Security Fellow at Stanford University's Center for International Security and Cooperation (CISAC). Previously a Stanton Nuclear Security Fellow at the RAND Corporation, he received his doctorate in history from the University of North Carolina in 2013. (Edward Moore, 8-9-2015, "Is artificial intelligence really an existential threat to humanity?", *Bulletin of the Atomic Scientists*, https://thebulletin.org/2015/08/is-artificial-intelligence-really-an-existential-threat-to-humanity/)

Convinced that sufficient “intelligence” can overcome almost any obstacle, Bostrom acknowledges few limits on what artificial intelligences might accomplish. Engineering realities rarely enter into Bostrom’s analysis, and those that do contradict the thrust of his argument. He admits that the theoretically optimal intelligence, a “perfect Bayesian agent that makes probabilistically optimal use of available information,” will forever remain “unattainable because it is too computationally demanding to be implemented in any physical computer.” Yet Bostrom’s postulated “superintelligences” seem uncomfortably close to this ideal. The author offers few hints of how machine superintelligences would circumvent the computational barriers that render the perfect Bayesian agent impossible, other than promises that the advantages of artificial components relative to human brains will somehow save the day. But over the course of 60 years of attempts to create thinking machines, AI researchers have come to the realization that there is far more to intelligence than simply deploying a faster mechanical alternative to neurons. In fact, the history of artificial intelligence suggests that Bostrom’s “superintelligence” is a practical impossibility.

#### 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

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#### Advocates explicitly propose presumptions *in lieu of* prohibitions.

Kroll 16 (Kyle R. Kroll-J.D. Candidate 2016, University of Minnesota Law School; B.S.B. 2013, Carlson School of Management, University of Minnesota. NoteAnticompetitive Until Proven Innocent: An Antitrust Proposal To Embargo Covert Patent Privateering Against Small Businesses, 100 Minn. L. Rev. 2167, 2212. May, 2016. Lexis accessed via KU Libraries, date accessed 12/22/21)

Lastly, a blanket prohibition against the use of PAEs in patent litigation would probably not curb patent privateering. 290 First, it would be difficult for courts to determine if a company truly is a PAE or not, given the secretiveness of privateering arrangements. A court could employ the same criteria as listed in the proposed presumption in Section A, but if it did so, it might as well simply employ the presumption anyway. Second, benign uses of PAEs for litigation by inventors, universities, and small firms would be unjustifiably enjoined. 291 A blanket prohibition on privateering would thus be overly broad. Third, prohibition would still not solve the evidentiary difficulty of discovering the existence of a privateering arrangement or the identity of a sponsor. 292 Fourth, such a prohibition may violate Noerr-Pennington immunity, established by the First Amendment. A presumption, on the other hand, succumbs to none of these difficulties.

#### That’s due to being lighter

Parrish 8 (Austen Parrish- Vice Dean for Academic Affairs and Professor of Law, Southwestern Law School. J.D., Columbia University School of Law, 1997; B.A., University of Washington, 1994. The author is the Director of Southwestern's Summer Law Program in Vancouver, B.C., Canada, where he teaches courses in international and comparative law at the University of British Columbia. ARTICLE: The Effects Test: Extraterritoriality's Fifth Business, 61 Vand. L. Rev. 1455, 1470-1471. October, 2008.Lexis accessed via KU libraries, date accessed 12/22/21)

As territoriality lost its hold over law, 82 the prohibition against extraterritoriality weakened to a mere presumption. 83 Congress had [\*1471] the power to enact extraterritorial laws, but it was presumed not to have used that power in most circumstances. The development of the effects test, however, marked the beginning of the end for meaningful territorial limits on legislative jurisdiction.

#### They’re contextually distinct

Manne et al 18 (Geoffrey A. Manne (President & Founder, International Center for Law & Economics). Julian Morris (Executive Director, International Center for Law & Economics). Kristian Stout (Associate Director, International Center for Law & Economics). Dirk Auer (Senior Fellow, International Center for Law & Economics). “Comments of the International Center for Law & Economics on the Consumer Welfare Standard (Hearing No. 5)” , FTC Hearings on Competition & Consumer Protection in the 21st Century FTC Docket No. FTC-2018-0091 , <https://laweconcenter.org/wp-content/uploads/2019/01/ICLE-FTC-Hearings-CWS-Comments-12-2018.pdf> , December 31, 2018, date accessed 9/20/21)

Just as the CWS evolves to develop more nuanced analysis for conduct that was previously poorly understood and, therefore, subject to sub-optimal prohibitions or presumptions, the doctrine is also capable of growing in order to recognize more expanded claims, or to modify existing doctrine in light of new business practices. Under the CWS

antitrust law can replace rules that require detailed factual assessment of individual cases with simpler, more categorical rules, such as the per se prohibition of price fixing; the modified per se rule applicable to most tying arrangements under Jefferson Parish; presumptions such as those used in horizontal merger analysis: and abbreviated rule of reason standards which do not require plaintiffs to prove harm to competition. While antitrust law moved away from such short-hands in recent years, there is nothing about the [consumer welfare] paradigm that would preclude a movement of the pendulum in the other direction, as evidenced by past episodes of antitrust expansion in monopolization doctrine and enforcement policy.33

Recently, the Supreme Court took up just such a potential modification in Apple v. Pepper. 34 Apple v. Pepper emerged from a claim that Apple’s pricing model for its App Store violates US antitrust laws. The central dispute of the case is whether the Illinois Brick indirect purchaser doctrine35 — which limits standing in price fixing cases only to those parties directly injured, and prevents private actions by subsequent purchasers — can be used to prevent App Store users from suing Apple for its alleged anticompetitive pricing imposed on app developers.36 Those in favor of applying Illinois Brick to prevent the standing of users assert that — following Campos v. Ticketmaster in the 8th Circuit37 — it is the app developers themselves who are injured by the restrictive pricing (while users receive only a pass-through injury).38 Therefore, so the argument goes, end users do not have standing under Illinois Brick to bring an antitrust suit.

#### As well as legally

Billings 99 (LUCY BILLINGS-judge. Opinion in ROXBOROUGH APT CORP v. Becker, 183 Misc. 2d 744 - NY: County Court, Civil Court 1999. Google scholar caselaw, date accessed 9/20/21)

While Real Property Law § 235-f allows a lease to limit roommates to one, the statute does not contain any prohibition or presumption against more than one. Therefore the standard lease provision at issue, which limits the number of roommates "in accordance with" Real Property Law § 235-f, permits more than one roommate.

#### At best they’re effects T

Taylor 2k (GREG TAYLOR- BA (Hons), LLB (Hons) (Adel), LLM (Marburg), GCLP (SA); Barrister and Solicitor of the Supreme Court of South Australia; Lecturer in Law, The University of Adelaide. ARTICLE: COMMONWEALTH v WESTERN AUSTRALIA AND THE OPERATION IN FEDERAL SYSTEMS OF THE PRESUMPTION THAT STATUTES DO NOT APPLY TO THE CROWN, 24 Melbourne U. L.R. 77, 113. April, 2000. Lexis accessed online via KU libraries, date accessed 12/22/21)

Thirdly, it is apparent that, on the facts of this case, the State was attempting to make use of too blunt an instrument to repel the attempted search. The State, as has been said, did not want to defeat the search to save itself from a present or prospective liability under s 10, for there was none; rather, it was concerned to safeguard its sources of information. If fishers thought that the information which they provided to the government might be used against them, they might not co-operate with the State, and this would hinder the research for which it needed the information. This extra-legal consideration (it is extra-legal because allowing a search warrant to be issued would not as a matter of law reduce in the least the legal obligation of fishers under the State Act to furnish information) was the real reason for the State's alarm at the issue of search warrants against it. But as the majority pointed out, 226 the State might be able to claim public interest immunity when seizure of confidential information is threatened. Applying the presumption would lead to a blanket prohibition of searching State premises even where confidential information is not involved, but public interest immunity, a much finer instrument, would exempt from use in criminal proceedings only such information as is confidential and could satisfy other tests (including the test of public interest) for the existence of the immunity. This is clearly a much better way of protecting information which is said to be confidential, because it does not involve a blanket prohibition which catches all information, whether confidential or not. Rather, there is a curial investigation which is specifically designed for the purpose of weighing the competing interests involved in keeping confidential information confidential. In this case the competing interests were the public benefit involved in the research conducted by the State government and the public interest in ensuring that people pay all the tax to which they are liable.

#### Presumptions can make bidirectional changes that weaken existing antitrust

Butler 84 (HENRY N. BUTLER, \*Assistant Professor of Management, Texas A & M University. B.A., 1977, University of Richmond; M.A., 1979, Ph.D, 1982, Virginia Polytechnic Institute and State University; J.D., 1982, University of Miami. W. J. LANE, \*\*Assistant Professor of Economics, Texas A & M University. B.A., 1974, Point Loma College; Ph.D., 1978, University of California, San Diego. and OWEN R. PHILLIPS \*\*\*Assistant Professor of Economics, Texas A & M University. B.A., 1974, Ph.D., 1979, Stanford University. ARTICLE: The Futility of Antitrust Attacks on Tie-In Sales: An Economic and Legal Analysis., 36 Hastings L.J. 173, 212-213, NOVEMBER, 1984, Lexis, accessed online via KU libraries date accessed 12/22/21)

Per se illegality is only appropriate when an act is certain, or almost certain, to create social losses. Furthermore, prohibition of an action must result in avoiding those losses at a reasonable enforcement cost. The Supreme Court, in maintaining its per se prohibition of tying, has chosen to ignore economists' well-reasoned attacks on the view that tying arrangements create monopoly power. Even if the Court's analysis of tying arrangements were correct, however, our analysis indicates that the per se prohibition of tie-in sales would not result in a significant increase in consumer welfare. The losses that allegedly result from tying arrangements are not avoided by a strict prohibition because firms shift their activities to different methods that are not illegal. Nonlinear pricing strategies, which are legally available to firms that, according to the Court's view, could otherwise use tying arrangments to extend their monopoly power, may be as profitable as tying arrangements. Thus, the potential gains from an effective prohibition of tie-in sales are small. Considering that the resources devoted to the enforcement of the prohibition may well exceed the potential gains from such enforcement, the per se prohibition should be abandoned.

[\*213] We conclude that the appropriate legal approach to tying is a rule of reason analysis that includes a presumption of legality. This approach would rid the courts of many cases in which there is no hope of any social gain from enforcing the law and would restrict attention to the few cases in which enforcment might improve the performance of the market. The Court should only prohibit tying when there is substantial likelihood of eliminating significant losses through legal action.

#### Best card in the debate---it distinguishes between the two

Lemos 6 (Margaret H. Lemos- Furman Fellow, New York University School of Law; B.A. (Political Science) Brown University, 1997; J.D. NYU School of Law, 2001. Article: The Commerce Power and Criminal Punishment: Presumption of Constitutionality or Presumption of Innocence?, 84 Tex. L. Rev. 1203, 1218-1219.April, 2006. Lexis, accessed online via KU libraries, date accessed 12/22/21)

The mismatch between the two standards for judicial review is even more remarkable when one recognizes that an explicit statutory presumption [\*1219] is actually far better for the defendant than a categorical findings-based prohibition. A statutory presumption is rebuttable; it gives the defendant an opportunity to make an individualized showing that his own conduct had no effect on commerce. An explicit presumption also ensures that the jury will resolve any factual disputes about the presumption's accuracy as applied to the defendant.

A categorical prohibition is far more difficult to challenge, and it removes the jury from the picture altogether. Because a findings-based statute defines the prohibited conduct without reference to interstate commerce, the defendant has no opportunity to raise the issue of commercial effects with the jury. Although the defendant can challenge the statute on constitutional grounds, his argument will be addressed to the judge rather than the jury, and he will bear the burden of proving that his conduct had no effect on interstate commerce. Indeed, even if the defendant can prove his innocence, so to speak, he still may not prevail in a constitutional challenge. As noted above, the question for the court is whether there is a rational basis for Congress's judgment that the class of prohibited conduct has the requisite connection to interstate commerce, not whether that judgment is correct with respect to the individual defendant.

### Cap K

#### Our links materially impact the outcome of the plan! Anti-trust cases are decided based on neoliberal expertism, meaning the AFFs justifications will be cited to uphold the fundamentally flawed system of anti-trust enforcement. Turns case---economic predictions in enforcing anti-trust terminally fail and reproduce monopolization.

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)

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.

#### 2---Coordinated strikes solve---they disrupt global supply chains that are key to capitalism.

Fox-Hodess 21, Sociologist and cofounder of the International Labour and Logistics Research Network (Katy, June 16th, “Logistics Workers Make Global Capitalism — and They Can Break It, Too,” *Jacobin Magazine*, <https://www.jacobinmag.com/2021/06/logistics-industry-capitalism-unions>, Accessed 11-08-2021)

The logistics industry is key to the global circulation of goods under capitalism. Workers have immense power within it to grind that circulation to a halt — if they can get organized.

Over the past several decades, capitalism has broken up the production process into individual steps carried out in separate work sites scattered across the globe. As a result, logistics, the systems that organize the physical movement of goods through space and time, has become more central to global capitalism than ever, and that gives workers in the logistics sector — including ports, rail, trucking, and other industries — tremendous potential leverage over the capitalist class. Any attempt to think strategically about strengthening working-class power must therefore grapple with the sector and how it works.

#### 3---Movement fails is an elite fallacy---globalization allows international labor movements to combine their power.

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

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

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

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

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

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

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

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

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

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

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

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

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

#### 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

#### Hausfather’s wrong.

Langridge ’21 — Nick Langridge, PhD researcher at the University of Bath, Universal Basic Income Researcher, studying degrowth; (May 18th, 2021; “Can we really grow our way out of the ecological crisis?”; *Center for Development Studies, University of Bath*; <https://blogs.bath.ac.uk/cds/2021/05/18/can-we-really-grow-our-way-out-of-the-ecological-crisis/>; //LFS—JCM)

The green growth strategy is reliant on absolute decoupling. This assumes that the pressures economies exert on the environment can and will decline as GDP continues to grow (Haberl et al., 2020). New research by Hausfather (2021), published by the Breakthrough Institute last month, now claims to have found evidence of such decoupling, sparking renewed debate among green growth and degrowth advocates. While yet to go through peer review, the research claims that the absolute decoupling of CO2 emissions from economic growth has occurred in a select number of (largely Global North) countries. Between 2005 and 2019, 32 countries managed to decouple their CO2 emissions, both territorial and consumption, from growth in GDP. Several prominent ecomodernists and green growth advocates have declared these findings to be proof that we can grow our way out of the ecological crisis.

But do such claims stand up to scrutiny? There are five reasons to doubt that they do. First, the emissions counted in the research do not provide the complete picture. While they cover both territorial and consumption-based emissions, those from land use changes, international shipping and aviation are not included. These are not trivial figures and, unlike other sectors, they are continuing to increase: international aviation emissions are up 140% since 1990 (Mattioli, 2020). Second, the research only considers emissions from CO2; other greenhouse gases – methane, nitrous oxide, and ozone – are not included. Emissions of methane – a greenhouse gas with 80 times the warming power of CO2 – began rising in 2007 after a seven-year period of stability. Since 2014, the rate of increase has more than doubled, with emissions from livestock production to satisfy the Global North’s demand for meat being the primary cause (Fletcher and Schaefer, 2019).

Third, the research also does not include the use of material resources more broadly, which are on the rise and still tightly coupled with GDP. In fact, the global economy has been rematerializing since the turn of the century, meaning an increase in the material intensity of the growth of GDP (Parrique et al., 2019). This is not likely to abate in the future. A World Bank report in 2017 showed that powering the global economy through renewables will require massive increases in material extraction – including a 2,700% increase in lithium. This is before any economic growth is taken into account (Hickel, 2020). Dittrich et al. (2012) estimated that global resource extraction would total 180 billion tons by 2050. The sustainable annual limit is 50 billion tons (Bringezu, 2015).

Fourth, and relatedly, the research provides no evidence of absolute decoupling - of CO2 or otherwise – yet occurring at the global level. Given that the ecological crisis is a global problem, and the timescales require a halving of greenhouse gas emissions by 2030, with total net zero to be achieved by 2050, this is a major obstacle. Green growth advocates therefore speak of negative-emissions technologies, such as the Bio-energy with Climate Capture and Storage (BECCS) which is present in the majority of IPCC scenarios. Unfortunately, this technology has never been shown to work at scale, and the land requirements total an area two to three times the size of India, the ecological implications of which would be devastating and fall disproportionately on the Global South (Hickel, 2020).

Fifth, the research has also been subject to several methodological critiques, the main one being the use of regression analysis rather than actual emissions figures, painting an overly optimistic impression. While both methods come with their own issues, this demonstrates the importance of waiting for peer review before making any sweeping assertions.

#### Socialist degrowth solves climate best.

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

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

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

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

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

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

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

A Just Transition

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

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

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

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

Thinking Globally

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

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

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

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

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

#### Green capitalism is built on the backs of the global south---inequality is maintained for an imperial mode of living

Brand & Wissen 21, Ulrich Brand: Professor for International Politics @ University of Vienna. Markus Wissen: Professor of Social Sciences at the Berlin School of Economics and Law. Translated by Zachary King (The Imperial Mode of Living: Everyday Life and the Ecological Crisis of Capitalism, *Verso Books*)

EXTERNALIZATION AND RESISTANCE

Green capitalism is anything but inevitable. In many places, the creation of a green economy has encountered resistance from the fossil factions of capital and from people’s everyday practices. In the US especially, these forces have received an additional boost with the presidency of Donald Trump. There is a boom in the extraction of oil and gas through fracking, in tar sand oil extraction and in the exploration and exploitation of deep sea fossil energy sources. 42 In the EU, the transition to a renewable energy regime is slowed down by the Visegrád Group (Poland, the Czech Republic, Slovakia and Hungary). And even in places where green capital factions and practices are becoming socially relevant, they are in constant conflict with retrograde social forces. This description even applies to the ‘pioneer’ in renewable energies, Germany, where powerful social forces from industry, energy suppliers and trade unions are increasingly aggressive in articulating their resistance to the energy transition and find political advocates in state apparatus such as the German Federal Ministry for Economic Affairs and Energy. 43

Eventually, green capitalism will neither effectively manage the ecological crisis nor reduce inequality, let alone create good living conditions for all; instead, it will generate and externalize new socioecological costs. It will impose these costs on the workers in China, Africa or elsewhere who under miserable conditions extract rare earth metals and other raw materials that are indispensable for ‘green’ technologies; on the sugar cane workers on Brazilian plantations who risk life and limb to supply the US and European markets with ‘biofuels’; on the peasants who are evicted from their farms and villages because of land grabbing; on Kenyan women as they are ‘rewarded’ for reforestation activities with certificates of dubious value while they sacrifice food security to protect the climate; and on unpaid care work and poorly paid personalized services that are not considered in green economy concepts. 44

The power relationships between different factions of capital, as well as between the developed capitalist world and the emerging economies of the global South, will be readjusted; inequality will increase within industrialized and industrializing countries; relations with other parts of the world will be reorganized on the basis of military coercion and by actively pursuing ‘a raw materials diplomacy’. 45 The green capitalism project will therefore necessarily represent a spatially ‘fragmented hegemony’ with a highly unclear temporal perspective; it is characterized by exclusion and exploitation, and yet ensures the continuation of the imperial mode of living. 46

#### Any political strategy for combatting climate change must prioritize helping the global south---the slow violence of warming causes those suffering the most to be omitted from traditional decision calculi

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Global climate change is a form of slow violence. Slow violence is “a violence that occurs gradually and out of sight, a violence of delayed destruction that is dispersed across time and space, an attritional violence that is typically not viewed as violence at all” (Nixon, 2011, p. 2). This includes the current climate crisis due to “the thawing cryosphere, toxic drift, biomagnification, deforestation, the radioactive aftermaths of wars, acidifying oceans, and a host of other slowly unfolding environmental catastrophes” which rank among the examples of slow violence (Nixon, 2011, p. 2). What separates slow violence from other forms of violence is that it "is neither spectacular nor instantaneous, but rather incremental and accretive, its calamitous repercussions playing out across a range of temporal scales” (Nixon, 2011, p. 2). It becomes imperative to view climate change in these parameters when you consider the already recognized victims of climate change: Obviously, elsewhere in the world there are already victims of climate change. 300,000 deaths according to the U.N. 300,000 people in the Horn of Africa, in Bangladesh, India, Vietnam... But those deaths are due to the exacerbation of already existing problems. Drought, malnutrition, floods. Nothing seemingly 'climatic.' Furthermore, the victims of climate change die slowly, one after another—no drama, no media coverage—scattered over the whole year over the whole planet. If only they had the good sense all to die on the same day, like the victims of the 2004 tsunami. That would catch our attention. Those everyday deaths don't have the same weight as a large death toll on a single day... Little lives. In little boxes. And we don't notice a thing. (Squarzoni, 2014, pp. 250-1) Squarzoni is describing the deaths of hundreds of thousands of people but is supremely concerned with the fact that these deaths are taking place on a temporal scale that is too long for most of us to adequately grasp. If the deaths were instantaneous, they would become the spectacle that marks traditional forms of violence. However, these first victims of climate change are the victims of a slow violence, which marks them as invisible. Despite the temporal differences between a quick violence, like military conflicts and forms of enslavement typical of colonization, and the slow violence of allowing the causes of global climate change to go largely unchallenged, climate change will nevertheless follow the same route and processes of imperialism. It is imperative to begin any discussion of global climate change with an examination of the ways in which the tropics will be among the first to suffer from its effects. As a form of slow violence, climate change will disproportionately affect poor and postcolonial nations, most of which are in the tropics. The vast majority of the waves of colonization since the 16th century have happened within the tropics. This imperial period began with the voyages of Christopher Columbus, who stumbled upon the Caribbean in his quest to find an alternate trade route to Asia. The tropics have formed the foundation of colonial possessions since that time, also serving as primary sites for plantations and the forced enslavement of Africans to work on said plantations. That being said, this “environmentalism of the poor” compounds the disaster those of the tropics face because "it is those people lacking resources who are the principal casualties of slow violence. Their unseen poverty is compounded by the invisibility of the slow violence that permeates so many of their lives” (Nixon, 2011, p. 4). This is significant because many postcolonial nations tend to be poorer because they were robbed of resources during the colonial period and because their infrastructures were designed primarily for the benefit of resource extraction, not for sustainability and repair. As Albert Memmi (1991) asserts: “colonization weakens the colonized and that all those weaknesses contribute to one another. Nonindustrialization and the absence of technical development in the country lead to a slow economic collapse of the colonized” (p. 115). Additionally, Western civilizations are among the leading contributors to carbon emissions on a per capita basis of population. Canada, the United States, Russia, and the European Union are four of the five worst contributors in emissions per capita. In fact, "Canada, the United States, and Russia emit more than double the global average per person" (Ge et al., 2014). Yet, nations within the tropics rank quite low on the list of emissions per capita. Squarzoni (2014) also points this out, saying that in order to reduce global carbon dioxide emissions to "3 gigatons of carbon equivalent a year" a global population of 6 billion people would each have to produce less than "1,000 pounds (500 kg) of carbon equivalent per person per year" (pp. 188-9). He uses the specific example of Mali, a tropical nation, where “the average person's consumption produced emissions of 22 pounds (10 kg) of carbon equivalent a year" while "[t]he average French person produced 2.7 tons a year" and Americans "produced an average of 6.8 tons per person per year" (Squarzoni, 2014, p. 189). Despite this, the tropics and other postcolonial areas will be the most rapidly affected by global climate change. While nations of the Western world continue to be among the largest per capita emitters of carbon equivalents, it has become apparent that the countries that will suffer the most immediate effects of climate change are ones that were formerly colonized. As Lundberg (2020) articulates, the “predicted increase of El Niño events which transform weather around the global tropics and subtropics” will lead to “excessive rainfall in some regions and droughts in others” (2). Furthermore, Klein (2014) points out that: Four degrees of warming could raise global sea levels by 1 or possibly even 2 meters by 2100 (and would lock in at least a few additional meters of rise over future centuries). This would drown some island nations such as the Maldives and Tuvalu, and inundate many coastal areas from Ecuador and Brazil to the Netherlands to much of California and the northeastern United States, as well as huge swaths of South and Southeast Asia. (p. 13) Of the many locations Klein lists, it is striking how many are postcolonial nations. Of particular note for this article are the multiple tropical nations. Of the countries listed, only the Netherlands and the United States hold the position of colonizer rather than colonized.1 Postcolonial nations are still struggling through the consequences and legacies of decolonization (and the current effects of neocolonialism) and others remain territories of the countries that took them by force. These legacies of imperialism and decolonization are being exacerbated and prolonged through climate change. The West will see very few of the immediate effects while postcolonial nations will face death and destruction.

## 1NR

### Pharma Advantage

#### Resiliency, intervening actors, burnout

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

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

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

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

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

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

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

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

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

#### Burnout and variation check

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

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

### FTC Advantage

#### No AI extinction---it’s impossible and centuries away at best.

Oren Etzioni, 16 - CEO of the Allen Institute for Artificial Intelligence and Professor of Computer Science at the University of Washington; "Most experts say AI isn’t as much of a threat as you might think," MIT Technology Review, 9-20-2016, https://www.technologyreview.com/s/602410/no-the-experts-dont-think-superintelligent-ai-is-a-threat-to-humanity/

To get a more accurate assessment of the opinion of leading researchers in the field, I turned to the Fellows of the American Association for Artificial Intelligence, a group of researchers who are recognized as having made significant, sustained contributions to the field.

In early March 2016, AAAI sent out an anonymous survey on my behalf, posing the following question to 193 fellows:

“In his book, Nick Bostrom has defined Superintelligence as ‘an intellect that is much smarter than the best human brains in practically every field, including scientific creativity, general wisdom and social skills.’ When do you think we will achieve Superintelligence?”

Over the next week or so, 80 fellows responded (a 41 percent response rate), and their responses are summarized below:

In essence, according to 92.5 percent of the respondents, superintelligence is beyond the foreseeable horizon. This interpretation is also supported by written comments shared by the fellows.

Even though the survey was anonymous, 44 fellows chose to identify themselves, including Geoff Hinton (deep-learning luminary), Ed Feigenbaum (Stanford, Turing Award winner), Rodney Brooks (leading roboticist), and Peter Norvig (Google).

The respondents also shared several comments, including the following:

“Way, way, way more than 25 years. Centuries most likely. But not never.”

“We’re competing with millions of years’ evolution of the human brain. We can write single-purpose programs that can compete with humans, and sometimes excel, but the world is not neatly compartmentalized into single-problem questions.”

“Nick Bostrom is a professional scare monger. His Institute’s role is to find existential threats to humanity. He sees them everywhere. I am tempted to refer to him as the ‘Donald Trump’ of AI.”

Surveys do, of course, have limited scientific value. They are notoriously sensitive to question phrasing, selection of respondents, etc. However, it is the one source of data that Bostrom himself turned to.

Another methodology would be to extrapolate from the current state of AI to the future. However, this is difficult because we do not have a quantitative measurement of the current state of human-level intelligence. We have achieved superintelligence in board games like chess and Go (see “Google’s AI Masters Go a Decade Earlier than Expected”), and yet our programs failed to score above 60 percent on eighth grade science tests, as the Allen Institute’s research has shown (see “The Best AI Program Still Flunks an Eighth Grade Science Test”), or above 48 percent in disambiguating simple sentences (see “Tougher Turing Test Exposes Chatbots’ Stupidity”).

There are many valid concerns about AI, from its impact on jobs to its uses in autonomous weapons systems and even to the potential risk of superintelligence. However, predictions that superintelligence is on the foreseeable horizon are not supported by the available data. Moreover, doom-and-gloom predictions often fail to consider the potential benefits of AI in preventing medical errors, reducing car accidents, and more.

Finally, it’s possible that AI systems could collaborate with people to create a symbiotic superintelligence. That would be very different from the pernicious and autonomous kind envisioned by Professor Bostrom.

#### Safeguards check.

Shermer 17, Dr. Michael Shermer is the Founding Publisher of Skeptic magazine, the host of the Science Salon Podcast, and a Presidential Fellow at Chapman University. ("Why artificial intelligence is not an existential threat", *Skeptic*, Vol. 22, No. 2, 2017, link.gale.com/apps/doc/A497859054/AONE?u=ksstate\_ukans&sid=AONE&xid=dc2288db)

Pinker agrees that there is plenty of time to plan for all conceivable contingencies and build safeguards into our AI systems. "They would not need any ponderous 'rules of robotics' or some newfangled moral philosophy to do this, just the same common sense that went into the design of food processors, table saws, space heaters, and automobiles." Sure, an ASI would be many orders of magnitude smarter than these machines, but Pinker reminds us of the AI hyperbole we've been fed for decades: "The worry that an AI system would be so clever at attaining one of the goals programmed into it (like commandeering energy) that it would run roughshod over the others (like human safety) assumes that AI will descend upon us faster than we can design fail-safe precautions. The reality is that progress in AI is hype-defyingly slow, and there will be plenty of time for feedback from incremental implementations, with humans wielding the screwdriver at every stage." (22) Former Google CEO Eric Schmidt agrees, responding to the fears expressed by Hawking and Musk this way: "Don't you think the humans would notice this, and start turning off the computers?" He also noted the irony in the fact that Musk has invested $1 billion into a company called OpenAI that is "promoting precisely AI of the kind we are describing." (23) Google's own DeepMind has developed the concept of an AI off-switch, playfully described as a "big red button" to be pushed in the event of an attempted AI takeover. "We have proposed a framework to allow a human operator to repeatedly safely interrupt a reinforcement learning agent while making sure the agent will not learn to prevent or induce these interruptions," write the authors Laurent Orseau from DeepMind and Stuart Armstrong from the Future of Humanity Institute, in a paper titled "Safely Interruptible Agents." They even suggest a precautionary scheduled shutdown every night at 2 AM for an hour so that both humans and AI are accustomed to the idea. "Safe interruptibility can be useful to take control of a robot that is misbehaving and may lead to irreversible consequences, or to take it out of a delicate situation, or even to temporarily use it to achieve a task it did not learn to perform or would not normally receive rewards for this." (24) As well, it is good to keep in mind that artificial intelligence is not the same as artificial consciousness. Thinking machines may not be sentient machines. Finally, Andrew Ng of Baidu responded to Elon Musk's ASI concerns by noting (in a jab at the entrepreneur's ambitions for colonizing the red planet) it would be "like worrying about overpopulation on Mars when we have not even set foot on the planet yet." (25)