## UK SW – Wake 1AC

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#### ADVANTAGE 1---TRADE

#### Antitrust rules are rapidly proliferating globally, but are overlapping and disjointed---the lack of international harmonization increases their cost and complexity AND creates an opening for politicized use of rules as a mechanism to unfairly promote domestic industrial policy under the guise of competition

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I. Global developments suggest increased need for legal certainty in rulemaking and enforcement

Companies today operate in an increasingly globalised world, interconnected via digital platforms and ecosystems. The technological revolution is accelerating at an ever-increasing speed. It promises to fundamentally alter both the competitive landscape and the tools by which competition is regulated. Against this backdrop, the world is facing substantial environmental challenges with mounting pressure on businesses to change the way they operate, including an increasing need for firms to collaborate to achieve social goals and increased efficiency that no one firm could achieve independently.

While some progress has been made towards a unified view of competition law, companies are also facing rising geopolitical tensions that have led to protectionist measures and the pursuit of industrial policy objectives under the guise of competition law enforcement. Concepts including national security, full employment, and ‘fair’ or ‘level’ pricing frequently introduce domestic protection concerns into traditional economic tests. With the proliferation of competition regimes, now well over 100, the potential for regulatory drag on the global markets increases exponentially. Having spent the last two decades as competition counsel, I can say with certainty that the complexity of the legal landscape and uncertainty and unpredictability as to compliance with competition law regulations have increased dramatically in recent years both at a global and EU level. Companies are struggling to achieve legal competition law compliance despite consistent efforts including scaling up their compliance departments.

As our markets continue to evolve in the face of technology and sustainability and other social goals, it is now more important than ever for the European Commission (‘the Commission’) to ensure legal certainty, both in rulemaking and in enforcement. The costs associated with uncertainty should not be underestimated, particularly as the Commission considers new enforcement tools designed to address competition structures and practices that may fall outside of traditional economic analyses. Not only is transparency and predictability vital for the proper functioning of the European Economic Area, but it would also send a much-needed signal to the rest of the world. Conversely, if, in any new enforcement system transparency and predictability do not prevail, the Commission’s efforts would likely serve to indirectly legitimise non-transparent and unpredictable protectionis[m]t in other countries, not founded on the rule of law and due process.

Even if one of the key roles of the Commission is to enforce competition law, it is important to keep in mind that competition policy and enforcement are tools of economic policy. Implemented well, competition policy can stimulate economic growth and competitiveness but, if not, it can be a significant regulatory brake on investment, economic development, and sustainability advances.

II.Why should we worry about uncertainty costs?

When considering the potential costs of new regulation, decision-makers often emphasise the legal spend, i.e., the cost of in-house lawyers, external advisers, document preservation systems, etc. But what is often overlooked is the far more expensive costs related to uncertainty in the process of risk-weighting potential investments. A simple example:

Company A seeks to enter into a transaction with Company B to achieve carbon output reduction. Company A’s executive management team, in conjunction with financial advisors, calculates a value for the transaction, which is typically a range of acceptable prices to achieve the desired goal. Company A’s CEO then engages her legal department to assess the potential for regulatory risk flowing from the venture. Given the potential for fines, divestitures, restrictions, or outright prohibitions on the project from a myriad of governmental authorities, the application of competition regulation has the potential to result in billions of dollars in business losses. On receiving legal advice on the probability of such losses, Company A’s CEO applies risk weighting to the value of the transaction, adjusting the value downward to account for the regulatory risk.

In some ways, legal ‘weight’ on a transaction, collaboration, or other business initiative is (socially and economically) desirable—if for example, a company employee proposed to engage in a price-fixing cartel, the legal department’s assessment of extreme risk serves a valuable societal goal. But in far too many cases, it is the mere lack of transparency and certainty in global competition regimes that lead to a determinative ‘risk weighting’ outcome in a deal. Competition counsel must conservatively advise of the uncertainty surrounding deal execution, and responsible CEOs must protect shareholders against business losses flowing frompossible regulatory intervention including the reputational risk following compliance breaches. As in our example, regulatory uncertainty alone may prevent a pro-competitive, socially desirable transaction that has been devalued by the risk of regulatory intervention.

When designing business practices, engaging in collaboration with other companies, and in considering merger activities, legal certainty, transparency, and predictability routinely drive willingness to invest.

III. Legal uncertainty has increased significantly in recent years

The trend that we see is that the complexity of the legal landscape and uncertainty as to compliance with and enforcement of antitrust regulations have increased dramatically in recent years, both globally and in the EU. There are several reasons for this development.

Firstly, more and more jurisdictions have competition laws in place and an increasing number of countries are actively enforcing their rules. For global companies that can mean familiarisation with up to 100 different competition law regulations. This is not particular to competition law, but it highlights the need for clear and transparent rules as well as predictability.

Secondly, the substantive competition rules are becoming increasingly unclear due to the application of domestic protection concerns, non-economic factors, and novel competition theories, such as proposed new competition enforcement tool (‘New Competition Tool’) currently under review in Europe1. The conduct at issue in these kinds of cases is rarely ‘black or white’ or may simply be a consequence of the (changing) market dynamics (also where changes are unrelated to the conduct of the company) and will typically pursue legitimate purposes, making it extremely difficult for companies to draw the boundaries needed to avoid government intervention.

Thirdly, companies increasingly operate in a vast number of countries, and their business practices may implicate several jurisdiction’s rules at the same time. Companies are often faced with substantially different rules despite apparently similar concepts. Also, we see new confidence by emerging countries to apply the common antitrust concepts according to their own interpretation and possibly to serve their own political ends. Lack of international convergence on substantive rules including sector-specific regulations thus in practice differs immensely across jurisdictions despite ICN and OECD efforts to harmonise rules.

#### This will dry up cross-border commerce and investment---foreign companies won’t participate if there’s the prospect of discrimination

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After setting our theoretical priors, we empirically test our two hypotheses on sector-level data covering 53 U.S. industries over the 2002–2017 period. Our panel-data empirical results indicate that merger policy investigative activities disproportionately deter foreign acquirers in local M&A markets. Specifically, increases in merger policy risk and merger policy uncertainty lead to reduced foreign acquirer presence in the U.S. markets for corporate control. The empirical evidence then suggests that merger policy enforcement is protectionist in effect, as foreign investment activities are more adversely affected by the application of merger policy as compared to domestic investment activities. These results yield salient implications for the international business literature on hostcountry characteristics and foreign investment activities.

In order to comprehensively examine the relationship between merger policy enforcement and foreign acquirer presence in local M&A markets, we structure the remainder of this paper as follows. We present a theoretical framework that focuses on the salience of policy risk and policy uncertainty in generating two hypotheses regarding the relationship between the enforcement of merger policy and the participation of foreign acquirers in domestic M&A markets. After setting out our theoretical priors, we describe our sector-level data on U.S. merger control and acquisition activities, formulate our estimation strategy, present our empirical results, and discuss robustness testing. The last section concludes.

HYPOTHESES DEVELOPMENT

A considerable amount of IB literature has examined the impact of country-level political risk and uncertainty on inward FDI activities – see the literature reviews by Kobrin (1979), Fitzpatrick (1983) and Liesch, Welch, and Buckley (2011). The basis behind this literature is that political risks and uncertainties can ‘‘arise from the actions of national governments which interfere with or prevent business transactions’’ (Weston & Sorge, 1972: 60). Firms generally react to such political hurdles by reducing their willingness to make investments as the option value of delaying investment becomes higher under such risks and uncertainties (Bloom, 2014; Brouthers, Brouthers, & Werner, 2008). While political hurdles and hazards can negatively influence the investment activities of all firms, foreign firms are generally considered to be more sensitive to such shocks. For one, foreign firms might be more frequently targeted when burdensome laws, regulations and policies are implemented by national governments; e.g., Eden (1994) observes that national policies practiced in a parochial manner represent fundamental threats to multinationals. Furthermore, foreign firms often lack the local information, legitimacy and contacts which might help them properly assess and mitigate political constraints. As Werner, Brouthers, and Brouthers (1996: 572) underscore, ‘‘firms commonly find international business opportunities to be inherently more risky than domestic ones’’ due to the stark differences in political environments and the inherent legal uncertainties characteristic of foreign investment endeavors. It is no surprise then that a great deal of empirical literature (e.g., Delios & Henisz, 2000, 2003b; Henisz & Delios, 2001) indicates that uncertainty in the political environment substantially deters foreign investment activities. Indeed, Kobrin (1979) highlights how the response to political risk and uncertainty is frequently avoidance, as multinationals simply do not get involved in countries perceived as risky.

While macro-level studies regarding the relationship between political risk and FDI tend to dominate the literature (Vadlamannati, 2012), there have been efforts to follow the prescriptions of Kobrin (1979) to consider the industry-, firm-, and project-specific factors relating to political risk and uncertainty. For one, Miller (1993) breaks down the salient host-country environmental uncertainties into six different dimensions – where uncertainties with respect to specific government policies represent the first dimension. Werner et al. (1996) follow in this line of research by considering the national laws which affect foreign firms; and Grosse (1985) and Bonaime, Gulen, and Ion (2018), respectively, consider the impact of regulatory policies and uncertainties on FDI and M&A activities. The conduct of national merger policy represents a particular regulatory policy that involves a direct threat to the participation of foreign firms in local M&A markets. Specifically, the presence of a national merger policy can negatively impact foreign acquirers by slowing down the consummation of their cross-border acquisitions via antitrust investigations, curtailing the profitability of these cross-border acquisitions by requiring structural remedies, and by even outright prohibiting them. Thus, merger control is a specific and salient government barrier that foreign acquirers must successfully navigate in order to gain access to local M&A markets (Brouthers et al., 2008; Clougherty, 2005).

While the IB literature lacks empirical scholarship concerning this topic, many IB scholars (e.g., Brewer, 1993; Buckley & Casson, 1996; Hymer, 1970; Spar, 2001) have posited that the national enforcement of merger policy potentially restrains the level of inward FDI. It is with these concerns in mind that many policy advisors recommend that countries do not prioritize competition policy, as it could discourage inward FDI via the creation of additional regulatory barriers and uncertainties for foreign investors (Oliveira et al., 2001). Moreover, the conduct of national merger policy lends itself well to analyzing the deterrence effects with respect to acquisition activities in a manner that is consistent with the pre-existing literature on political risk and uncertainty. First, merger policy is conducted at the industry level and exhibits cross-sector variation in antitrust scrutiny (Clougherty & Seldeslachts, 2013); thus, it represents an industryspecific policy context worth analyzing for policy risk factors in line with Kobrin’s (1979) prescriptions. Second, merger policy involves both policy risk and policy uncertainty – both of which may disproportionately deter foreign acquirers as compared to domestic acquirers. We turn now to a discussion of these concepts and to the formulation of our theoretical priors.

Merger Policy Risk

The concept of risk goes back to Knight’s (1921) fundamental insights, where he considered risk to be a known probability distribution over a set of events; for example, flipping a coin involves risk, but with known odds. In moving from the concept of risk to its application in IB political risk, Kobrin (1979) observes that risk is at play when managers have knowledge regarding the possibility and probability of different political outcomes via either calculations or past experience statistics. While the relevant information is available with political risk, and observers generally agree with respect to the probabilities of different outcomes, foreign investors are often considered to be at a disadvantage as compared to domestic investors due in part to inherent information asymmetries (Gehrig, 1993; Gordon & Bovenberg, 1996; Liesch et al., 2011). As Gehrig (1993: 98) makes clear, ‘‘information may have to be interpreted in the light of the legal conventions and business culture of a particular community, which may be difficult for foreigners to assess’’. Thus, domestic investors are better informed and better able to interpret the relevant probabilities as compared to foreign investors, and, as a result, foreign managers tend to overestimate the risks and underestimate the benefits involved with host-country investment activities (Liesch et al., 2011). Simply put, the lack of information, knowledge, and experience with respect to the intricacies of host-country activities accentuates the perceptions of risk when considering foreign investments. A great deal of the political risk literature accordingly focuses on the probabilistic estimates of different policy outcomes and how increased risk leads to decreased foreign investment activities. With the above as a backdrop, we consider how the policy risk involved with merger control might disproportionately affect foreign investors considering participating in the local markets for corporate control.

#### Specifically---export cartels are legalized protectionism designed to bypass WTO subsidy controls---that creates increasing disputes that put trade on the brink, especially after Trump and Brexit

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Section 1: Introduction

Today, there is a growing fear of rising protectionism, from the United States (US) under the Trump administration’s imposition of tariffs and a trade war with China, to the United Kingdom’s Brexit, to the less known trade-restricting measures adopted by other countries all over the world.1

The neoclassical economic model suggests the desirability of free trade over protectionism because free trade lowers prices, allows a flow of goods with little restrictions and improves the quality of products, resulting in overall welfare gain.2 On the other hand, protectionism results in welfare losses, increased prices and a decline in innovation, thus harming consumers and economic efficiency.3

The natural inclination of states to engage in protectionism is as old as time and, until today, has never been diminished.4 The General Agreement on Trade & Tariff (GATT),5 superseded by World Trade Organisation (WTO) since 1995, rendered the classical forms of protectionism such as tariffs obsolete. However, it did not defeat protectionism; instead, protectionism has evolved through its protean capacity to adapt into new and often undetectable forms,6 now labelled as ‘murky’ protectionism.7

Competition law enforcement is suspected as one of the forms of this murky protectionism. There are two ways (among others) considered in this article in which States can utilise competition law to impair free trade and restrict access of foreign firms to domestic market. First is the exemption under national competition law such as export cartel exemptions; second is the strategic application of domestic competition law, e.g. alleged discriminatory and selective enforcement of merger regulation.8

It appears that States use their competition law as invincible trade barriers to further their protectionist bids such as national security and environmental protection.9 In recent years, States have been accused of using their competition law to pursue protectionism. For instance, the US has criticised the EU’s merger regulation as protecting competitors and not competition, particularly in the technology industry in mergers involving non-EU firms – even when those same acquisitions are approved by other competition authorities. A good example is the Commission’s 2001 decision to block the $42 billion acquisition of Honeywell by General Electric.10 Similarly, the US is being encouraged to change their stance on leniency towards export cartels due to its beggar-thy-neighbour effect.11 Investigating the controversy around the use of competition law for protectionist ends is particularly relevant today to protect and uphold free trade and liberalisation. There is a gap between competition and trade policies which national competition law fails to address and the WTO rules fail to regulate. Merger regulation and export cartel exemptions appear to be used as tools for protectionist ends to exploit the gap. This article, therefore, examines whether States use their competition law to pursue protectionist policy in the EU and the US. In this context, the article specifically focuses on analysing how merger regulation and treatment of export cartel further protectionism.12

In terms of method and approach, the article uses the international political economy (IPE) perspective underpinned by (legal/political) realism and interdisciplinary, theoretical-analytical perspectives within the framework of international competition law. It employs (comparative) qualitative empirical evidence from the EU and US for comparative analysis. The international political economic perspective is used to analyse how the presence of political elements and influences on decision-making reflect the enforcing jurisdiction’s national environment, culture, priorities and goals by presenting an opportunity for the use of competition law for protectionist bids. Meanwhile, the interdisciplinary and theoretical-analytical perspective is used to employ literature in the legal, economics, international relations and international politics areas.13 This is empirically analysed within the framework of (international) competition law. The (comparative) qualitative empirical evidence is employed by gathering relevant material from the European Union and the United States of America for an in-depth analysis.

The article adopts legal/political realism theory in the analysis section to demonstrate that the regulation of competition law by regulators/competition authorities in the EU (mainly, the EU Commission)14 and in the USA (the US Department of Justice and the Federal Trade Commission)15 is highly influenced by the public policy of the nation. In simple parlance, legal realism is a theory that all law derives from prevailing social interests and public policy. According to legal realist theory, judges consider not only abstract rules, but also social interest and public policy, when deciding a case.16 Legal realism is a diverse school of thought and any attempt to homogenise it will distort more than simplify,17 since its influence goes beyond being a mere theory of adjudication.18 Judges more often than not promote social ends; just as Cardozo admitted, a judge may be tempted to substitute their view for that of the community.19 From this perspective, the legal realist is attached to social reform and they want law to serve as an instrument for social action. To achieve this, realist thought, policy objectives and interrelationship between legal rules had to become more intimate.20

Political realism is a theory that attempts to explain, model, and prescribe political relations. It proposes that power is (or ought to be) the primary end of political action, whether in the domestic realm or international arena. In the domestic realm, the theory contends that politicians do, or should, strive to maximise their power, whilst in the international arena, nation States are the primary agents that maximise, or ought to maximise, their power. In the context of nation States, the proposition is that a nation can only advance its interests against the interests of other nations; this implies that the international environment is inherently unstable.21 Realism emphasizes power and the national interest and directs more attention to political security than to economic issues.22 Realism is equated to, if not related to, mercantilism, also known as protectionism.23 To obtain political security, realists enrich their power and wealth at the expense of their neighbouring States, often through an increase in exports and decrease in imports.24 IPE is concerned with the interaction of economics and politics in the international sphere.25 Politics is represented by the State as a sovereign political unit and economics is represented by the market as a system of production and consumption at a price determined by supply and demand.26

Based on the political and economic dimensions involved in the interplay of competition law and trade policy, particularly protectionism, it is the position of this article that realist theory, along with an IPE perspective, is relevant in understanding why nation States use competition law as a protectionist bid in their trade policy.

The article is structured into five broad sections; this section, Section 1 is the general introduction and set out the method, including the theoretical approach used in the article. Section 2 provides a brief conceptual understanding of the relevant concepts in the article which have divergent conceptual interpretations within academic literature. Section 3 discusses the relationship between competition law and other issues areas such as trade policy, protectionism and others. Section 4 analyses competition law and protectionism in the two case studies, EU and US, by using specific competition law instruments: (i) merger regulation and (ii) treatment of export cartels to investigate and analyse how they are used for protectionism, including a brief comparative analysis. Finally, Section 5 summarises and concludes the article.

Section 2: A Conceptual understanding of relevant concepts

Looking at academic literature, scholars have provided divergent conceptual views or interpretations of relevant competition law concepts that appear in the article.

(i) Competition

Competition, in its broad economic sense, is the process whereby firms struggle to win against each other. Competition law, also known as antitrust in the United States, refers to the legal rules and standards which aim to protect the process of competition by dealing with market imperfections and restoring desirable competitive conditions in the market.27 Competition policy, on the other hand, is broader than competition law and covers the full range of government measures that could promote competitive market structures and behaviour, including trade liberalisation measures.28 Views on the necessity of the enactment of competition law to implement competition policy remain divided.29 The neo-classical economics case for competition argues competition provides various benefits such as lower prices, efficiency, and innovation.30 There is no consensus on the goals of competition law. Some scholars suggest that competition law is akin to a sponge or that it is a fluid concept influenced by varying objectives, policies, culture; hence, the goals vary based on each enacting jurisdiction.31 On the other hand, one of the prominent scholars of the Chicago school of competition analysis suggests that the ultimate goal of competition law is economic efficiency, which is equated to consumer welfare maximisation.32 Nonetheless, the most commonly declared goal of competition law is to protect and encourage competition to achieve the optimal resource allocation and maximise consumer welfare.33

As a result of these diverging goals and enforcement policies of competition law, several scholars proposed for the internalisation, or at least harmonisation, of competition law.34 Some scholars such as Fox and Manne and Weinberger, recognising the restrictive effect on trade by anticompetitive practices, called for the alignment of competition law within the WTO Framework. However, this failed to materialise as a result of the diverging views of the member States.35

(ii) Merger

Under a business or firm perspective, mergers36 are motivated by efficiency goals as explained by efficiency theory, strategy to increase market power as explained by market power hypothesis, or simply the managers’ greed or overconfidence as explained by the hubris hypothesis.37 Efficiency theory suggests that firms will merge if there is a potential to generate sufficient realisable synergies beneficial to all the merging parties.38 Synergies comprise of collusive, operational and financial synergy.39 Operational synergies are manifested in resulting economies of scale and economies of scope as they mainly relate to production and/or administrative efficiencies; financial synergy refers to cost savings, and collusive synergy refers to expansion of market power as supported by the market power hypothesis.40 Alternatively, hubris hypothesis argues that decisions to merge are the result of managements’ overestimation of the resulting benefits to the business due to the managers’ overconfidence in decision-making.41 Nonetheless, each merger transaction is unique; hence, there is no single theory that encapsulates the motivations for pursuing these transactions.42

Under the legal perspective, however, a merger simply refers to a combination of two or more corporations into a single entity, regardless of business reason or mode of acquisition.43 For competition authorities, mergers pose a concern because of the merging firms’ potential to accumulate or expand market power, which can distort competition through monopoly or abuse of dominance.44

However, empirical analyses negate the protectionism hypothesis, at least with the perspective of the EU competition law. Initial studies found a positive correlation between the likelihood of opposition to mergers involving foreigners and the foreseen negative impact of the merger on domestic competitors.45 Yet, after the 2004 reforms introduced EU merger regulation, a re-examination of the protectionist hypothesis showed a shift in the protectionist tendencies of the enforcement authority.46 Recent research affirmed the results of this re-examination and found that the EU Commission committed no discrimination in its enforcement of merger regulation, whether in frequency or intensity, in mergers involving foreign firms.47 These empirical analyses, at least in the EU context, show that competition authorities did not use their merger control power to intervene on mergers involving non-EU or US acquirers. Nevertheless, they fail to conclusively prove that protectionism with merger regulation does not exist. Conversely, qualitative analyses examining merger decisions and the text of the merger regulations claim that merger regulation is used, or at least could potentially be used, for protectionist purposes such as promotion of national champions.48

(iii) Export cartels

A cartel is an association of rivals agreeing to fix prices above the competitive level, limit output below the competitive level or allocate markets between or amongst themselves in order to maximise their profits.49 Cartels, generally, have been labelled as the ‘supreme evil of antitrust’50 and the ‘primary evil of global trade’.51 On the other hand, export cartels are cartels that only operate in foreign markets and do not directly affect the markets in the jurisdiction where the cartel members are located.52 While there is a consensus among the world’s competition authorities to prohibit hard-core cartels,53 there is lack of clarity and transparency surrounding the treatment of export cartels. It is argued that export cartels receive considerable political support,54 not only because of its benefits to the exporting country, but also because it is argued that export cartels are not necessarily pure evil like hard-core cartels.55 Export cartels may have the same goals as hard-core cartels – to fix prices or allocate markets – but they may also have strictly efficiency-enhancing goals such as sharing marketing and transportation costs.56

According to economic theory, export cartels raise domestic producer welfare without diminishing domestic consumer welfare.57 Additional export revenues and increases in national welfare incentivises exporting States to tolerate, if not promote, export cartels.58 Furthermore, since the adverse effects of export cartels are externalised or felt exclusively by importing States, exporting States possessing the territorial jurisdiction over the cartel have very little interest in disciplining the conduct.59 On the other hand, importing States which have the motivation to prevent the conduct due to its anticompetitive effect and corresponding reduction in their consumer welfare do not have the territorial jurisdiction and must rather apply their competition laws extra-territorially to sanction the cartel.60 However, since exporting States are not motivated to sanction the cartel, or even induced to promote or tolerate the cartel because of its positive domestic effect, they may block any extraterritorial enforcement by the importing States through exemptions or non-cooperation.61 This conflicting interest presents a competition law enforcement dilemma on export cartels.

Fox similarly observed the insufficiency of national competition enforcement to regulate export cartels because it lacks legitimacy or capacity to reach competitive restraints on foreign soil; nonetheless, it mainly affects the domestic home market.62 Export cartels are often not covered by national competition laws when they do not affect the domestic market, neither directly or indirectly. Scholars argue that export cartels, to the extent that they are tolerated – if not encouraged – by the exporting States, are an effort of exporting States to boost domestic welfare at the expense of global welfare. More specifically, it is at the cost of the consumers’ welfare in the target market – a clear manifestation of a beggar-thy-neighbour conduct.63 On the contrary, there is a belief that the scarcity of empirical data on export cartels handicaps the attempts to analyse the issue on export cartels.64 The lack of data creates difficulties to determine the gravity of the anticompetitive harm that export cartels create; thus, the very assumptions on which the theory of the nexus of export cartel and anticompetitive conduct rely may be misguided.65

(iv) Trade policies

Like competition law, trade policy also contains both political and economic dimensions. It refers to the system of incentives put in place by a State with regard to production and consumption, including importation, exportation and trade of goods and services as aligned with the imposing state’s growth and development objectives.66 Trade policy involves various actions and tools such as the imposition of tariffs, quotas or restrictions, granting of subsidies to domestic industries and other measures often classified into two broad types: tariffs and non-tariff measures.67

The tariff is the classic instrument of trade policy.68 Tariffs are imposed to generate revenue but also, more importantly, to protect the domestic industry of the imposing country.69 However, with increasing trade liberalisation, most states covertly seek to protect domestic sectors through other instruments of trade policy such as non-tariff measures.70 Non-tariff measures include quotas, licences, technical barriers to trade, sanitary and phytosanitary measures, export restrictions, custom surcharges, financial measures and anti-dumping measures.71 Whilst non-tariff measures may intrinsically be protectionist, they seem useful in addressing failures in the market such as externalities and the asymmetry of information between producers and consumers.72

Trade policy is historically determined on the basis of the macro and micro view.73 The micro view provides that the State adopts its trade policy in accordance with the preferences of its industrial constituents.74 Hence, under the micro view, trade policy refers to the ‘aggregate outcome of industry battles over protection.’75 The macro view, on the other hand, suggests that the trade policy of the State cannot simply be traced back to the preferences of its industrial constituents.76 Under the macro view, the trade policy of the State reflects the collective interest of the State and the State acts as an independent agent furthering the national State objectives. Trade policy in all countries consists of varying dimensions or levels. For example, the EU trade policy, in addition to its ‘unilateral’ liberalization, i.e. voluntarily providing preferential market access or zero tariffs for specific types of countries, also adopts bilateral, plurilateral and multilateral agreements as well as commercial instruments such as anti-dumping laws and other safeguards.77 The objectives pursued at each level of trade policy constantly changes.78 Different States negotiate in order to determine their international trade policies.79 Hence, bilateral, plurilateral or multilateral trade agreements are born, usually involving preferential tariff rates, agreements on investments, technology-sharing or single market objectives.80 In the context of protectionism, the ability of States to resolve trade disputes amongst themselves significantly influences protectionist positions.81 However, it is argued that protectionist trade policy is more than just a means of adjudicating trade disputes; rather, protectionism is pursued by certain States in order to further their national economic and political policies.82

Part II

Protectionism

Protectionism is a kind of trade policy aimed at impeding foreign trade access to the domestic market and preserving, if not improving, the position of domestic producers in contrast to foreign producers.83 With the decline of classic protectionism, i.e. the imposition of tariffs and other visible barriers to trade, comes the rise of ‘murky’ protectionism, also known as new protectionism, which is characterised by seemingly innocuous and subtle measures designed to distort free trade without constituting as violations of the WTO rules or trade agreements.84 More aptly, murky protectionism has been defined as ‘abuses of legitimate discretion which are used to discriminate against foreign goods, companies, workers and investors’.85 Examples of murky protectionism are the imposition of regulatory and licensing requirements, tightening of product standards, limitation of ports of entry, introduction of bailout packages and initiation of disguised ‘green’ protectionism.86

Academic literature provides conflicting arguments regarding protectionism. Economic theory under the classic utility model establishes that any benefit that may result from protectionism is outweighed by its costs in terms of losses to consumer welfare and decline of economic growth.87 Another argument against protectionism is the moral argument which provides that protectionism is akin to stealing, i.e. producers and rent-seeking individuals induce the government to pursue their interests and benefit at the expense of consumers, in effect taking away what is due.88 On the other hand, the most notable arguments in favour of protectionism are national defence, infant industry and strategic trade theory.89

The national defence argument authorises the protection of industries with a vital role in national security such as weapon manufacturing to ensure the States’ readiness in times of war or adversity.90 It is suggested that agricultural protectionism is subsumed under the national defence argument because food security and food availability are part of the States’ legitimate national interests.91 It has been noted that the EU’s agricultural protectionism resulted in growth of production, achievement of self-sufficiency in food security and stability in the common market for agricultural products.92

The infant industry argument provides that a State, in order to grow, must first strengthen its newly established industries which do not enjoy the cost and production efficiencies yet compared to its competitors; this is at least until it establishes its comparative advantage and the playing field has been levelled.93 Proponents for the protection of the infant industry assert that protection must only be temporary and the benefits provided by the protected industry must exceed the costs of protection, also known as the Mill-Bastable Test.94

The strategic trade theory, introduced by James Brander and Barbara Spencer, has also been used to support protectionism.95 According to the strategic trade theory, firms are inclined to take ‘strategic’ moves exhibiting aggressive behaviour; the State’s support of such national firms will further give more credence to such behaviour, in effect deterring potential rivals such as foreign firms.96 Hence, strategic trade theory suggests the States can raise their national income at the expense of other States by supporting or promoting national firms in international competition.97

Section 3: The relationship between competition law and other issue areas

(i) Competition and Trade Policies

Competition and trade policies are both national policies used as tools for economic development, albeit with different objectives, principles, and scope. No consensus on the overall relationship between the two has yet been reached. It is suggested that the two policies could be mutually reinforcing, complementary, contradictory, or substitutes depending on how they are applied.98 Based on their basic objectives, efficiency and consumer welfare, competition and trade policies are perceived as mutually reinforcing.99 On the other hand, by dealing with private, anticompetitive conduct to ensure effective market access, competition policy is viewed as complementary with trade policy which is concerned with the removal of governmental actions. This facilitates the anti-competitive behaviour by private entities. Restrictive trade measures limit competition by curtailing the entry of foreign suppliers in the market as well as aiding anti-competitive practices by domestic firms; meanwhile, exclusions and exemptions from competition law, as well as lack of enforcement thereof, negatively impact trade.100

A contradictory relationship between competition and trade policy is also suggested as a result of their divergent aims and effects. Competition policy is concerned with consumer welfare, while trade policy is focused on the welfare of producers and is more easily influenced by special interest groups.101 Trade policy also has objectives which conflict with competition policy aims such as raising revenue, promoting self-sufficiency and supporting exports.102 Finally, competition policy and trade policy are also viewed as substitutes in some respects. For instance, the WTO found that competition law provisions relating to price discrimination serve as a substitute for anti-dumping measures in some circumstances.103

The impact of anti-competitive business practices on international trade is the most important concern in trade policy.104 Experts105 recognise that anti-competitive practices of firms, in addition to trade barriers, hamper international trade. Hence, the necessity to integrate or at least align competition and trade policies has been formally recognised as early as the proposal for the establishment of the International Trade Organisation (Havana Charter). The Havana Charter contained provisions which encourage member States to prohibit business practices that affect international trade which restrain competition, limit access to markets, or foster monopolistic control whenever such practices are harmful to trade.106 Nonetheless, the Havana Charter was not ratified and was instead succeeded by the GATT of 1947, which salvaged some of the provisions from the Havana Charter. Thus, the negotiating parties that created the GATT of 1947 had shown a public awareness that arrangements designed to foster trade could be undermined when commercial enterprises engaged in cartels or other restrictive business practices, and these negotiating parties had proposed treaty provisions to ensure that competition policy would reinforce government measures for international trade.107 Subsequently, the World Trade Organisation was established in 1995 to succeed the GATT of 1947. Efforts to include competition policy within the trade policy framework in the WTO have proved particularly challenging due to lack of agreement among member States on competition policy.108 Support for international discipline regarding competition law was originally stimulated by US perceptions that international cartels and the absence or lack of enforcement of national competition law obstructed the ability of US firms to contest markets.109 The US supported the inclusion of a chapter dealing with restrictive business practices, reflecting its views against German cartels and Japanese zaibatsu who are the main opposition to including competition law in the WTO.110 In recent times, the EU has been in the lead, arguing that all WTO members must adopt and enforce competition laws. Developing countries have not been at the center of the debate on trade and competition in the WTO.111 However, competition policy has an important role in developing countries, both in promoting a competitive environment and in building and sustaining public support for a pro-competitive policy stance. However, the issue is that many do not have competition laws; those that do often have limited implementation ability.112 The bottom line of the debate is that any agreement on international competition policy that goes beyond general procedural cooperation and introduction of transparency mechanisms likely must be plurilateral, at least initially.

The lack of consensus on the nexus of competition and trade policy creates a gap which is exploited in order to pursue various motives such as promoting industrial policy, protectionism or nationalism.

(ii) Competition law and protectionism

In the United States, some scholars claim that antitrust law is rooted in protectionist institutions.113 Evidence reveals that the political impetus for antitrust law originated from lobbying farmers of several agricultural states;114 however, the majority views of scholars differs on this.115 Inefficient businesses misused antitrust laws by suing their efficient competitors for lower prices, increase in output and product or process innovation116 Today, the use of antitrust law for protectionism is no longer limited to the protection of an industry from another within the domestic sphere; it extends to the international level and transcends international trade. Similarly, in the European Union, remnants of industrial policy abound in the EC competition law.117 The European Commission has been attacked on the ground of ‘disguised protectionism’, protecting EU-based competitors and furthering the single market objective rather than seeking to uphold competition in strict terms.118 This is clearly demonstrated in the proposed Siemens-Alstom merger. In prohibiting the proposed consolidation of Siemens and Alstom, the European Commission unleashed a turmoil of political discontent; arguably, this is more the manifestation of longstanding frustration with certain underlying asymmetries within merger regulation which impede the ascendancy of the European industry on the world stage than an issue with the Commission’s decision itself.119

Competition law, as a political creation, is inherently susceptible to ‘instrumentalisation’ for protectionist ends. Competition law is at risk of being misused to advance industrial policies, political agendas and protectionist policies in the guise of competition enforcement, thus bypassing the scrutiny of international trade agreements.120 The existing legislative framework of competition law enhances this risk, as it provides for greater discretion in decision making and political involvement in the enforcement of competition law.121 While open-ended discretionary standards are laudable because economic analysis cannot be put into rigid standards as each competition case is unique, it also creates opportunities for abuse. Discretion may be abused to allow regulators to pursue their own private interests, shirk unpleasant duties, augment their regulatory authority in hopes of increasing monopoly rents which they can trade to interest groups in return for personal benefits, and act in other ways that are contrary to the public good.122 In the context of merger law, for instance, discretion may incentivise regulators to pursue protectionism – in particular, new protectionism. Trade agreements and institutions such as the WTO have made traditional protectionism through open trade discrimination challenging. Yet, the underlying political dynamic driving protectionism has not gone away. Hence, while jurisdictions do not forbid certain mergers, they can still discriminate against them. For instance, regulators can require more onerous ‘fixes’ for mergers that threaten local producers such as requiring the merging parties to divest assets in a way that benefits the domestic competitor.123

Indeed, the argument that competition law may be a tool to pursue a protectionist end is commonly premised upon the possibility that competition law – especially through selective, discriminatory enforcement – might actually be abused as a trade barrier.124 National protectionism is often demanded by certain industries or interest groups.125 However, a competition regime that favours domestic firms such as local producers hurt not only the producers and consumers of other countries, but also the domestic consumers.

(iii) Merger regulation and protectionism

One area of competition law that has always been suspected as an instrument of protectionism is merger regulation; the failed merger of Siemens-Alstom is a good case in point. Merger regulation is one of the pillars of competition policy aimed at preserving market competition in the event of business combinations and takeovers.126 However, preservation of competition is not the only rationale for the enforcement of merger regulations; national security, businesses perceived to be of national strategic importance, technological capabilities, jobs and export also influence merger control enforcement.127 Thus, the protectionism hypothesis posits that merger regulation is used as a tool to protect domestic firms from competition.128 In addition to protection of domestic firms, which is often associated with the infant industry argument, States are also suspected of using merger regulations to promote its national champions on the premise of strategic trade theory. In the context of merger control, the notion of a national champion generally means that the government encourages or does not prevent a merger between two domestic firms to create a more powerful entity, or it opposes the acquisition of one of the domestic firms by a foreign company.129

A study has found that, while merger regulation has deterred anticompetitive mergers, it has also protected rival producers from increased competition due to efficient mergers.130 In the context of EU merger policy, an empirical analysis to prove the protectionist hypothesis concluded a direct correlation between the likelihood of opposition to the merger by the competition authority when the bidder is a foreign national and the expected adverse effect of the reviewed merger on domestic competitors.131 After reforms on the EU Merger Regulation were introduced in 2004, the hypothesis was re-examined and change in protectionist tendencies were discovered.132 The result was more consistent with a recent empirical study that showed the Commission has not intervened more frequently or extensively in transactions involving a non-EU- or US-based firm’s acquisition of a European target.133 Nonetheless, there has been no conclusive findings on the absence of protectionism. At most, empirical analyses have shifted the burden of proof to those advancing the view.

Despite these empirical results disproving the use of merger regulation for protectionist purposes, persistent allegations abound. The political model of antitrust established that merger decisions are influenced by political contributions of lobby groups representing special interests, political pressures and social welfare considerations.134 For instance, Bu argues that the decision of Chinese competition authority to block the merger between Coca Cola and Huiyuan illustrates the influence of non-competition considerations such as protectionism on merger regulation enforcement.135 The lack of sufficient analysis as well as broad conclusions reached on the decision left no other conclusion but that China was trying to protect its home-grown, local company from potential brand dilution once absorbed by Coca Cola.136 Another example is the opposition of the US to the potential merger between Broadcom, a Singapore-based company, and Qualcomm, an American telecommunication chip manufacturer, on the grounds of national security.137 In the EU, its opposition to the Boeing/McDonnell Douglas merger was suspected to arise from protectionist sentiment because of the merger’s adverse impact on the rival EU firm Airbus.138

(iv) Export cartels exemption and protectionism

Export cartel exemptions are instruments of competition policy for trade policy ends.139 By tolerating, if not supporting, anticompetitive conduct just because it does not affect the domestic market, exporting states in effect assist or condone the harm caused to the importing states.140 Hence, export cartel exemptions are perceived as tools for protectionism in this context of the beggar-thy-neighbour approach.

In the context of trade policy, export cartel exemptions produce the same economic effect as export subsidies or aids.141 While both harm competition at the expense of foreign markets and foreign competitors, only export subsidies are regulated under the WTO rules.142 However, State-run export cartel are challengeable under WTO rules with different outcomes depending on the State.143 Hence, the difficulty in prosecuting export cartels that have anti-competitive effects is considered a trade dilemma. In Argentina, based on Measures Affecting the Export of Bovine Hides and the Import of Finished Leather,144 the WTO Panel noted that the WTO rules do not obligate its members ‘to assume a full “due diligence” burden to investigate and prevent cartels from functioning as private export restrictions’.145

The United States, through the Webb-Pomerene Act of 1918,146 explicitly exempted export cartels and export association from the Sherman Act147 and from Section 7 of the Clayton Act,148 which has been reinforced by the Export Trading Company Act of 1982149 and the Foreign Trade Antitrust Improvements Act150 which regulated export cartels by granting them certificates. The EU, on the other hand, while it does not explicitly exempt export cartels, Articles 101 and 102 of the TFEU151 provide for the limited application of the EU competition law to conduct that produces anticompetitive effects (objective or subjective) within the internal market and to the trade between Member States. Hence, the EU competition law implicitly allows export cartels if they do not influence the EU internal market.

#### The perception of protectionism-by-antitrust sends shockwaves that end the last semblance of global trade---subtle vehicles like competition law are a unique threat because open protectionism is controlled by international agreements

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INTRODUCTION

Trump. Le Pen. Brexit. Protectionist rhetoric has consumed the international political stage. Western countries and their leaders were once the drivers of economic globalization, relying on free-market speeches and the prospect of removing trade barriers to appeal to their constituents. 1They pointed fingers at other countries engaging in or encouraging protectionist behavior and challenged them in the court of public opinion and elsewhere to stop their antics. The "our country first, world trade after" mentality was widely politicized and vilified. Now, it seems that Western national leaders are championing the very protectionism that they once criticized. 2

Although a system of truly free world trade has never been perfected, past world leaders have eliminated most of the protectionist trade mechanisms that once ran rampant in the international economy. They did so by implementing multilateral and bilateral trade agreements. These webs of agreements have bolstered decades of support for free trade, or at least some version of it. By and large, tariff policies and other forms of protectionism were either eliminated or dramatically reduced. [\*118] Now, as we have seen in the media, when a government imposes a tariff, it becomes a rather extreme political statement which sends a shockwave of significant global consequences.

Protectionism did not end when the age of overbearing tariff policies did, despite then-leaders' best efforts to vilify it. Rather, the end of the tariff era forced nations to achieve protectionist goals through more subtle trade vehicles, like antitrust law. 3So, the recent resurgence of protectionist rhetoric should mean that these subtle trade vehicles, including antitrust law, will be relied on more heavily. It is a fear of many that antitrust law may become overused and inequitably applied to achieve and combat protectionist aims.

Notwithstanding the recent uptick in tariff threats, it is unlikely that all Western leaders will revamp or terminate the trade agreements set forth by their predecessors and bring back the kinds of tariff policies that once existed in their place. Although in the United States ("U.S."), President Trump recently imposed tariffs on steel imports, it appears that his intent is to limit this behavior to a specific industry rather than institute a widespread policy favoring the use of tariffs generally. 4To remedy bad behavior in a specialized set of industries is not to instigate a global paradigm shift. This purpose is underscored by his use of the national security exemption, which is largely interpreted as being used for individual situations rather than general policy schemes. 5 Many still hope that his course of action will be retracted and is merely a strong negotiation tactic. However, there is no doubt that Trump is far more comfortable than past leaders with subverting the status quo on trade relations.

Trump is not the only high-profile leader flirting with staunch protectionism. Western leaders in the E.U. appear to be growing more comfortable than their predecessors with considering similar policies. However, Western lawmakers themselves do not seem as persuaded by the statements of their leadership. The general sentiment among international policymakers is that there has been too much political wherewithal spent on loosening international trade barriers to take actions [\*119] that could counteract that progress. 6Presidential actions taken because of dissatisfaction with current global trade relations aside, a complete overhaul of trade agreements may be too daunting and difficult a task, especially absent ample political support in legislative bodies.

Given the anticipated continuation of cooperative trade agreements and the proliferation of protectionist rhetoric as the new norm of public opinion, leaders will be forced to rely on existing avenues to meet protectionist aims. Again, we find ourselves relying squarely on antitrust law, the more subtle and widely accepted mechanism of restricting trade, to address perceived inequities. In the words of the World Trade Organization ("WTO"), "once formal trade barriers come down, other issues become more important." 7 Among the important issues lies antitrust law. Antitrust and competition laws can form a subtle trade barrier resulting in the imposition of tariff-like measures.

Antitrust law can be enforced to reach protectionist aims and to combat them. It is a tool that allows nations to achieve individual protectionist aims without undermining the future of trade between countries and the cooperative framework underpinning the relatively delicate global free trade enjoyed today. However, the perception of enforcement of antitrust laws as an abusive and solely protectionist mechanism may cause the death of even the smallest semblance of international free trade that remains in the international marketplace today.

#### The result will be full-on trade wars

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Yet, even so, it would be unreasonable for every minor violation of a local ordinance overseas to give rise to an unfair competition action in America. Committing to such collateral enforcement of foreign law in such an unqualified manner would be problematic on several levels. Doing so would open the floodgates to transnational claims, clogging the dockets of U.S. courts and agencies. 142It could encourage harassment of foreign competitors, burdening them with the costs and distractions of defending unfair competition claims lodged in a distant U.S. court. And it could also encourage litigation tourism, inviting foreign plaintiffs to forum shop. Finally, use of unfair competition law could be abused for protectionist purposes. Such perceived unilateral aggression could trigger retaliation that risks sparking a larger trade war.

#### Trade wars cause shooting wars that trigger World War III and collapse containment of environmental, disease, and tech threats that cause extinction

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Four structural forces will shape the future of International Relations: globalization (but without liberal rules, institutions, and leadership)1; multipolarity (the end of American hegemony and wider distribution of power among states and non-states2); the strengthening of distinctive, national and subnational identities, as persistent cultural differences are accentuated by the disruptive effects of Western style globalization (what Samuel Huntington called the “non-westernization of IR”3); and secular economic stagnation, a product of longer term global decline in birth rates combined with aging populations.4 These structural forces do not determine everything. Environmental events, global health challenges, internal political developments, policy mistakes, technology breakthroughs or failures, will intersect with structure to define our future. But these four structural forces will impact the way states behave, in the capacity of great powers to manage their differences, and to act collectively to settle, rather than exploit, the inevitable shocks of the next decade.

Some of these structural forces could be managed to promote prosperity and avoid war. Multipolarity (inherently more prone to conflict than other configurations of power, given coordination problems)5 plus globalization can work in a world of prosperity, convergent values, and effective conflict management. The Congress of Vienna system achieved relative peace in Europe over a hundred-year period through informal cooperation among multiple states sharing a fear of populist revolution. It ended decisively in 1914. Contemporary neoliberal institutionalists, such as John Ikenberry, accept multipolarity as our likely future, but are confident that globalization with liberal characteristics can be sustained without American hegemony, arguing that liberal values and practices have been fully accepted by states, global institutions, and private actors as imperative for growth and political legitimacy.6 Divergent values plus multipolarity can work, though at significantly lower levels of economic growth-in an autarchic world of isolated units, a world envisioned by the advocates of decoupling, including the current American president. 7 Divergent values plus globalization can be managed by hegemonic power, exemplified by the decade of the 1990s, when the Washington Consensus, imposed by American leverage exerted through the IMF and other U.S. dominated institutions, overrode national differences, but with real costs to those states undergoing “structural adjustment programs,”8 and ultimately at the cost of global growth, as states—especially in Asia—increased their savings to self insure against future financial crises.9

But all four forces operating simultaneously will produce a future of increasing internal polarization and cross border conflict, diminished economic growth and poverty alleviation, weakened global institutions and norms of behavior, and reduced collective capacity to confront emerging challenges of global warming, accelerating technology change, nuclear weapons innovation and proliferation. As in any effective scenario, this future is clearly visible to any keen observer. We have only to abolish wishful thinking and believe our own eyes.10

Secular Stagnation

This unbrave new world has been emerging for some time, as US power has declined relative to other states, especially China, global liberalism has failed to deliver on its promises, and totalitarian capitalism has proven effective in leveraging globalization for economic growth and political legitimacy while exploiting technology and the state’s coercive powers to maintain internal political control. But this new era was jumpstarted by the world financial crisis of 2007, which revealed the bankruptcy of unregulated market capitalism, weakened faith in US leadership, exacerbated economic deprivation and inequality around the world, ignited growing populism, and undermined international liberal institutions. The skewed distribution of wealth experienced in most developed countries, politically tolerated in periods of growth, became intolerable as growth rates declined. A combination of aging populations, accelerating technology, and global populism/nationalism promises to make this growth decline very difficult to reverse. What Larry Summers and other international political economists have come to call “secular stagnation” increases the likelihood that illiberal globalization, multipolarity, and rising nationalism will define our future. Summers11 has argued that the world is entering a long period of diminishing economic growth. He suggests that secular stagnation “may be the defining macroeconomic challenge of our times.” Julius Probst, in his recent assessment of Summers’ ideas, explains:

…rich countries are ageing as birth rates decline and people live longer. This has pushed down real interest rates because investors think these trends will mean they will make lower returns from investing in future, making them more willing to accept a lower return on government debt as a result.

Other factors that make investors similarly pessimistic include rising global inequality and the slowdown in productivity growth…

This decline in real interest rates matters because economists believe that to overcome an economic downturn, a central bank must drive down the real interest rate to a certain level to encourage more spending and investment… Because real interest rates are so low, Summers and his supporters believe that the rate required to reach full employment is so far into negative territory that it is effectively impossible.

…in the long run, more immigration might be a vital part of curing secular stagnation. Summers also heavily prescribes increased government spending, arguing that it might actually be more prudent than cutting back – especially if the money is spent on infrastructure, education and research and development.

Of course, governments in Europe and the US are instead trying to shut their doors to migrants. And austerity policies have taken their toll on infrastructure and public research. This looks set to ensure that the next recession will be particularly nasty when it comes… Unless governments change course radically, we could be in for a sobering period ahead.12

The rise of nationalism/populism is both cause and effect of this economic outlook. Lower growth will make every aspect of the liberal order more difficult to resuscitate post-Trump. Domestic politics will become more polarized and dysfunctional, as competition for diminishing resources intensifies. International collaboration, ad hoc or through institutions, will become politically toxic. Protectionism, in its multiple forms, will make economic recovery from “secular stagnation” a heavy lift, and the liberal hegemonic leadership and strong institutions that limited the damage of previous downturns, will be unavailable. A clear demonstration of this negative feedback loop is the economic damage being inflicted on the world by Trump’s trade war with China, which— despite the so-called phase one agreement—has predictably escalated from negotiating tactic to imbedded reality, with no end in sight. In a world already suffering from inadequate investment, the uncertainties generated by this confrontation will further curb the investments essential for future growth. Another demonstration of the intersection of structural forces is how populist-motivated controls on immigration (always a weakness in the hyper-globalization narrative) deprives developed countries of Summers’ recommended policy response to secular stagnation, which in a more open world would be a win-win for rich and poor countries alike, increasing wage rates and remittance revenues for the developing countries, replenishing the labor supply for rich countries experiencing low birth rates.

Illiberal Globalization

Economic weakness and rising nationalism (along with multipolarity) will not end globalization, but will profoundly alter its character and greatly reduce its economic and political benefits. Liberal global institutions, under American hegemony, have served multiple purposes, enabling states to improve the quality of international relations and more fully satisfy the needs of their citizens, and provide companies with the legal and institutional stability necessary to manage the inherent risks of global investment. But under present and future conditions these institutions will become the battlegrounds—and the victims—of geopolitical competition. The Trump Administration’s frontal attack on multilateralism is but the final nail in the coffin of the Bretton Woods system in trade and finance, which has been in slow but accelerating decline since the end of the Cold War. Future American leadership may embrace renewed collaboration in global trade and finance, macroeconomic management, environmental sustainability and the like, but repairing the damage requires the heroic assumption that America’s own identity has not been fundamentally altered by the Trump era (four years or eight matters here), and by the internal and global forces that enabled his rise. The fact will remain that a sizeable portion of the American electorate, and a monolithically pro- Trump Republican Party, is committed to an illiberal future. And even if the effects are transitory, the causes of weakening global collaboration are structural, not subject to the efforts of some hypothetical future US liberal leadership. It is clear that the US has lost respect among its rivals, and trust among its allies. While its economic and military capacity is still greatly superior to all others, its political dysfunction has diminished its ability to convert this wealth into effective power.13 It will furthermore operate in a future system of diffusing material power, diverging economic and political governance approaches, and rising nationalism. Trump has promoted these forces, but did not invent them, and future US Administrations will struggle to cope with them.

What will illiberal globalization look like? Consider recent events. The instruments of globalization have been weaponized by strong states in pursuit of their geopolitical objectives. This has turned the liberal argument on behalf of globalization on its head. Instead of interdependence as an unstoppable force pushing states toward collaboration and convergence around market-friendly domestic policies, states are exploiting interdependence to inflict harm on their adversaries, and even on their allies. The increasing interaction across national boundaries that globalization entails, now produces not harmonization and cooperation, but friction and escalating trade and investment disputes.14 The Trump Administration is in the lead here, but it is not alone. Trade and investment friction with China is the most obvious and damaging example, precipitated by China’s long failure to conform to the World Trade Organization (WTO) principles, now escalated by President Trump into a trade and currency war disturbingly reminiscent of the 1930s that Bretton Woods was designed to prevent. Financial sanctions against Iran, in violation of US obligations in the Joint Comprehensive Plan Of Action (JCPOA), is another example of the rule of law succumbing to geopolitical competition. Though more mercantilist in intent than geopolitical, US tariffs on steel and aluminum, and their threatened use in automotives, aimed at the EU, Canada, and Japan,15 are equally destructive of the liberal system and of future economic growth, imposed as they are by the author of that system, and will spread to others. And indeed, Japan has used export controls in its escalating conflict with South Korea16 (as did China in imposing controls on rare earth,17 and as the US has done as part of its trade war with China). Inward foreign direct investment restrictions are spreading. The vitality of the WTO is being sapped by its inability to complete the Doha Round, by the proliferation of bilateral and regional agreements, and now by the Trump Administration’s hold on appointments to WTO judicial panels. It should not surprise anyone if, during a second term, Trump formally withdrew the US from the WTO. At a minimum it will become a “dead letter regime.”18

As such measures gain traction, it will become clear to states—and to companies—that a global trading system more responsive to raw power than to law entails escalating risk and diminishing benefits. This will be the end of economic globalization, and its many benefits, as we know it. It represents nothing less than the subordination of economic globalization, a system which many thought obeyed its own logic, to an international politics of zero-sum power competition among multiple actors with divergent interests and values. The costs will be significant: Bloomberg Economics estimates that the cost in lost US GDP in 2019- dollar terms from the trade war with China has reached $134 billion to date and will rise to a total of $316 billion by the end of 2020.19 Economically, the just-in-time, maximally efficient world of global supply chains, driving down costs, incentivizing innovation, spreading investment, integrating new countries and populations into the global system, is being Balkanized. Bilateral and regional deals are proliferating, while global, nondiscriminatory trade agreements are at an end.

Economies of scale will shrink, incentivizing less investment, increasing costs and prices, compromising growth, marginalizing countries whose growth and poverty reduction depended on participation in global supply chains. A world already suffering from excess savings (in the corporate sector, among mostly Asian countries) will respond to heightened risk and uncertainty with further retrenchment. The problem is perfectly captured by Tim Boyle, CEO of Columbia Sportswear, whose supply chain runs through China, reacting to yet another ratcheting up of US tariffs on Chinese imports, most recently on consumer goods:

We move stuff around to take advantage of inexpensive labor. That’s why we’re in Bangladesh. That’s why we’re looking at Africa. We’re putting investment capital to work, to get a return for our shareholders. So, when we make a wager on investment, this is not Vegas. We have to have a reasonable expectation we can get a return. That’s predicated on the rule of law: where can we expect the laws to be enforced, and for the foreseeable future, the rules will be in place? That’s what America used to be.20

The international political effects will be equally damaging. The four structural forces act on each other to produce the more dangerous, less prosperous world projected here. Illiberal globalization represents geopolitical conflict by (at first) physically non-kinetic means. It arises from intensifying competition among powerful states with divergent interests and identities, but in its effects drives down growth and fuels increased nationalism/populism, which further contributes to conflict. Twenty-first-century protectionism represents bottom-up forces arising from economic disruption. But it is also a top-down phenomenon, representing a strategic effort by political leadership to reduce the constraints of interdependence on freedom of geopolitical action, in effect a precursor and enabler of war. This is the disturbing hypothesis of Daniel Drezner, argued in an important May 2019 piece in Reason, titled “Will Today’s Global Trade Wars Lead to World War Three,”21 which examines the pre- World War I period of heightened trade conflict, its contribution to the disaster that followed, and its parallels to the present:

Before the First World War started, powers great and small took a variety of steps to thwart the globalization of the 19th century. Each of these steps made it easier for the key combatants to conceive of a general war. We are beginning to see a similar approach to the globalization of the 21st century. One by one, the economic constraints on military aggression are eroding. And too many have forgotten—or never knew—how this played out a century ago.

…In many ways, 19th century globalization was a victim of its own success. Reduced tariffs and transport costs flooded Europe with inexpensive grains from Russia and the United States. The incomes of landowners in these countries suffered a serious hit, and the Long Depression that ran from 1873 until 1896 generated pressure on European governments to protect against cheap imports.

…The primary lesson to draw from the years before 1914 is not that economic interdependence was a weak constraint on military conflict. It is that, even in a globalized economy, governments can take protectionist actions to reduce their interdependence in anticipation of future wars. In retrospect, the 30 years of tariff hikes, trade wars, and currency conflicts that preceded 1914 were harbingers of the devastation to come. European governments did not necessarily want to ignite a war among the great powers. By reducing their interdependence, however, they made that option conceivable.

…the backlash to globalization that preceded the Great War seems to be reprised in the current moment. Indeed, there are ways in which the current moment is scarier than the pre-1914 era. Back then, the world’s hegemon, the United Kingdom, acted as a brake on economic closure. In 2019, the United States is the protectionist with its foot on the accelerator. The constraints of Sino-American interdependence—what economist Larry Summers once called “the financial balance of terror”—no longer look so binding. And there are far too many hot spots—the Korean peninsula, the South China Sea, Taiwan—where the kindling seems awfully dry.

#### Recent, robust studies prove our impact

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Why does protectionism lead to conflict and why does free trade help prevent it? Learn about the connection between peace and free trade.

Frédéric Bastiat famously claimed that “if goods don’t cross borders, soldiers will.”

Bastiat argued that free trade between countries could reduce international conflict because trade forges connections between nations and gives each country an incentive to avoid war with its trading partners. If every nation were an economic island, the lack of positive interaction created by trade could leave more room for conflict. Two hundred years after Bastiat, libertarians take this idea as gospel. Unfortunately, not everyone does. But as recent research shows, the historical evidence confirms Bastiat’s famous claim.

To trade or to raid

In “Peace through Trade or Free Trade?” professor Patrick J. McDonald, from the University of Texas at Austin, empirically tested whether greater levels of protectionism in a country (tariffs, quotas, etc.) would increase the probability of international conflict in that nation. He used a tool called dyads to analyze every country’s international relations from 1960 until 2000. A dyad is the interaction between one country and another country: German and French relations would be one dyad, German and Russian relations would be a second, French and Australian relations would be a third. He further broke this down into dyad-years; the relations between Germany and France in 1965 would be one dyad-year, the relations between France and Australia in 1973 would be a second, and so on.

Using these dyad-years, McDonald analyzed the behavior of every country in the world for the past 40 years. His analysis showed a negative correlation between free trade and conflict: The more freely a country trades, the fewer wars it engages in. Countries that engage in free trade are less likely to invade and less likely to be invaded.

Trading partners

The causal arrow

Of course, this finding might be a matter of confusing correlation for causation. Maybe countries engaging in free trade fight less often for some other reason, like the fact that they tend also to be more democratic. Democratic countries make war less often than empires do. But McDonald controls for these variables. Controlling for a state’s political structure is important, because democracies and republics tend to fight less than authoritarian regimes.

McDonald also controlled for a country’s economic growth, because countries in a recession are more likely to go to war than those in a boom, often in order to distract their people from their economic woes. McDonald even controlled for factors like geographic proximity: It’s easier for Germany and France to fight each other than it is for the United States and China, because troops in the former group only have to cross a shared border.

The takeaway from McDonald’s analysis is that protectionism can actually lead to conflict. McDonald found that a country in the bottom 10 percent for protectionism (meaning it is less protectionist than 90 percent of other countries) is 70 percent less likely to engage in a new conflict (either as invader or as target) than one in the top 10 percent for protectionism.



#### Protectionist fragmentation causes catastrophic geoengineering

Dr. Suzanne Fry 21, Director of the Strategic Futures Group at the National Intelligence Council (NIC), Ph.D. in Politics from New York University, B.A. in Government and International Studies from the University of Notre Dame, Member of the Council on Foreign Relations, et al., “Global Trends 2040: A More Contested World”, A Publication of the National Intelligence Council, March 2021, https://www.dni.gov/files/ODNI/documents/assessments/GlobalTrends\_2040.pdf

In 2040, the world is fragmented into several economic and security blocs of varying size and strength, centered on the United States, China, the European Union (EU), Russia, and a few regional powers, and focused on self-sufficiency, resiliency, and defense. Information flows within separate cyber-sovereign enclaves, supply chains are reoriented, and international trade is disrupted. Vulnerable developing countries are caught in the middle with some on the verge of becoming failed states. Global problems, notably climate change, are spottily addressed, if at all.

HOW WE GOT THERE

By the early 2030s, cascading global challenges from decades of job losses in some countries in part because of globalization, heated trade disputes, and health and terrorist threats crossing borders prompted states to raise barriers and impose trade restrictions to conserve resources, protect citizens, and preserve domestic industries. Many economists thought that economic decoupling or separation could not really happen because of the extensive interdependence of supply chains, economies, and technology, but security concerns and governance disputes helped drive countries to do the unthinkable, despite the extraordinary costs.

Countries with large domestic markets or sizeable neighbors successfully redirected their economies, but many developing economies with limited resources and market access were hit hard as both import and export markets dried up. Economic stagnation fostered widespread insecurity across Africa, the Middle East, and South Asia, fueling a retreat to subnational ethnic and religious identities, strained societies, fragmented states, and spreading instability. New waves of migrants headed to the developed world hoping to escape poverty, poor governance, and increasingly harsh environmental conditions. Their hopes were dashed when political pushback prompted destination countries to block most migration.

As physical barriers went up, dependence on digital commerce and communications soared, but a combination of information management challenges and repeated data security breaches led those states with strong cyber controls, like China and Iran, to reinforce their cyber barricades. Then states that once advocated for an open Internet set up new closed, protected networks to limit threats and screen out unwanted ideas. By 2040, only the United States and a few of its closest allies maintained the semblance of an open Internet while most of the world operated behind strong firewalls. With the trade and financial connections that defined the prior era of globalization disrupted, economic and security blocs formed around the United States, China, the EU, Russia, and India. Smaller powers and other states joined these blocs for protection, to pool resources, and to maintain at least some economic efficiencies. Advances in AI, energy technologies, and additive manufacturing helped some states adapt and make the blocs economically viable, but prices for consumer goods rose dramatically. States unable to join a bloc were left behind and cut off.

Security links did not disappear completely. States threatened by powerful neighbors sought out security links with other powers for their own protection or accelerated their own programs to develop nuclear weapons, as the ultimate guarantor of their security. Small conflicts occurred at the edges of these new blocs, particularly over scarce resources or emerging opportunities, like the Arctic and space. Poorer countries became increasingly unstable, and with no interest by major powers or the United Nations in intervening to help restore order, conflicts became endemic, exacerbating other problems. Lacking coordinated, multilateral efforts to mitigate emissions and address climate changes, little was done to slow greenhouse gas emissions, and some states experimented with geoengineering with disastrous consequences.

#### Extinction

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Comprehensive surveys of X-risks reveal mechanisms that could cause the collapse of contemporary society. Bostrom and Ćirković (2008), Rees (2018) and Ord (2020) provide eminent scholarly treatment of the field, drawing from the academic literature. WEF (2020) and GCF (2020) produce global risk reports drawing from decision-makers and experts across intergovernmental and non-governmental organisations. These surveys establish that many historically observed mechanisms of societal collapse, including natural climate change, remain applicable as X-risks today. However, the state of existence of contemporary society has led to a different landscape in which these mechanisms apply, and to a number of unprecedented mechanisms, including anthropogenic climate change. Ehrlich and Ehrlich (2013) and Häggström (2016) note that although increased complexity, such as globalisation and technological advancement, can increase a society’s resilience and adaptability, it can also increase vulnerability. For example, globalisation increases resilience to local agricultural production shocks through access to global markets; however, it also increases vulnerability through exposure to sudden reversal in connectivity, such as trade restrictions (Rivington et al. 2015). Some geoengineering technologies, for example, may enable society to mitigate and adapt to climate change; however, they may also increase vulnerability to termination shocks, where failure of the technology exposes society to sudden temperature increases (Morton 2016). In this highly interconnected landscape, ‘synchronous’ (Homer-Dixon et al. 2015) and ‘cascading’ (Buldyrev et al. 2010) failures create the potential for mechanisms and outcomes of societal collapse, once contained to a single localised civilization, to rapidly spread across multiple nations and impact humanity on a global scale.

### 1AC

#### Plan

#### The United States federal government should prohibit private sector export cartel practices that produce anticompetitive effects in the markets of countries that agree to a reciprocal framework regarding competition law.

### 1AC

#### ADVANTAGE 2---HARMONIZATION

#### The plan multilateralizes antitrust---formalizing law under international frameworks for contingent cooperation creates an opt-in system of explicit reciprocity that creates agreement AND spills over to deep economic integration

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B. Between Contracts and Networks: Frameworks

Another dichotomy that dominates the integration of competition policy pertains to the forms of internationalization, which in the competition policy space have generally been dominated by contract-style treaties on the one hand and by open networks on the other.166 Between these two models lies what seems to be an under-utilized alternative, which I call a “framework for contingent cooperation.”

[FOOTNOTE] 166 This binary view dominates the literature. See, e.g., Edward M. Graham, “Internationalizing” Competition Policy: An Assessment of the Two Main Alternatives, 48 Antitrust Bull. 947, 949 (2003) (“[M]echanisms [for antitrust internationalization] range from bilateral treaties creating arrangements for cooperation between or among national competition law enforcement agencies to informal working arrangements among agencies.”); Eleanor M. Fox, International Antitrust and the Doha Dome, 43 Va. J. Int’l L. 911, 912 (2003) (contrasting “horizontalism” with “globalism”); Anu Piilola, Assessing Theories of Global Governance: A Case Study of International Antitrust Regulation, 39 Stan. J. Int'l L. 207, 247 (2003) (“Rather than drafting overarching multilateral agreements on antitrust laws, cooperation efforts in the immediate future are more likely to succeed in managing existing diversity and promoting voluntary convergence based on approximation of domestically applied standards. Networks of antitrust authorities are well-suited to facilitate this process of cooperation and voluntary convergence.”). [END FOOTNOTE]

A “framework” in the sense that I am using that term is a facilitative arrangement that does not constitute a treaty under international law,167 and which does not carry the charge of international legal obligation, but which involves an exchange of specific and reciprocally contingent commitments by participant jurisdictions to engage in mutually beneficial conduct. Specifically, each party states that it will extend certain benefits to each other party so long as each other does likewise; the parties may also create supplementary mechanisms to monitor and/or adjudicate compliance with these commitments.168

A framework of this kind is not a treaty: it is what Kal Raustiala calls a “pledge,”169 and what Charles Lipson calls an “informal” agreement,170 involving no legal obligation, and it involves no commitment of the parties’ reputation for law-abiding behavior.171 On the other hand, it differs from an open, information-sharing network because it precisely specifies behavioral commitments, and because each of the parties shares an understanding that concrete consequences will promptly follow—exclusion from the benefits provided by others—if its behavior materially deviates from the terms of the commitment.172 A framework is therefore essentially a specific declaration of intention to engage in conduct that benefits others, contingent upon parallel behavior by other participating states, without obligatory status under international law.

This is, in some sense, the direct opposite of the approach typically taken in competition policy chapters in trade agreements. The provisions of competition policy chapters partake of the substance of treaty law, but are generally framed in broad terms rather than specifics, and generally do not reflect a shared understanding that specific consequences will attend breach. By contrast, frameworks do not bind in international law, are framed in specific terms than aspirational generalities, and reflect an understanding that the benefits of cooperation will be withdrawn in the event of violation.

Contingent cooperation thus depends for its effectiveness primarily upon three important dynamics. The first and most important of these is the rationality of strategic cooperation. A familiar mainstream view holds that to a significant extent states behave in international society in ways that rationally serve their interests.173 And when cooperation over a series of interactions is overall in the interests of each member of a group, but when each member faces a rational incentive to defect from the terms of cooperation in individual cases, familiar economic theory teaches that a strategic cooperative equilibrium can be maintained among the parties.174 In contingent cooperation, each party understands that if it defects materially from the terms of the framework, the other participants will withdraw the excludable benefits of cooperation, and this provides the incentive to comply.175

Contingent cooperation can be made more stable by the introduction of certain structures designed to monitor compliance (just as with a cartel among private companies).176 This might among other things involve the creation of a central “facilitator” that is responsible, in a general sense, for obtaining, collecting, and processing information necessary to sustain a cooperative equilibrium.177 Depending on the purpose and scope of the cooperation project, this could include (for example): reviewing the text of laws, regulations, and policy documents for consistency with the terms of the framework; conducting peer-review-style evaluations and certifications; hosting voluntary dispute resolution processes, including mediation and/or arbitration, to determine whether and when the framework has been violated; or even receiving and handling complaints of violations ombudsman-fashion (i.e., receiving the complaint, giving the subject of the complaint an opportunity to respond, and publishing findings and conclusions). A central facilitator could also go beyond a policing function and offer a common forum for certain forms of cooperation and information sharing. The nature of such broader functions, and the extent to which they would be useful or desirable, would depend on the nature and purpose of the cooperation.

The second dynamic that powers contingent cooperation is the normative appeal of the project itself. The point here is not unlike what Gráinne de Búrca calls “mission legitimacy”: the normative force of the underlying purpose of a cooperative project, and specifically the power of that normativity to secure the acceptance and cooperation of those who participate.178 Parties joining projects of contingent cooperation can be expected to be in some sense self-selecting: they join such endeavors because, in part, they are genuinely committed to promoting and achieving the ends that the project represents, and they embrace the project of cooperation as worthwhile.179 It may sound a little naïve to suggest that a project of cooperation may be more likely to “stick” if it has some normative appeal to the participating polities, but legal scholarship has long recognized that states do what they undertake to do more often than strictly rational analysis would predict.180 And I think the proposition that genuine commitment to a goal can contribute to compliance is in truth somewhat less naïve than the converse idea that compliance is just as likely without it.

The third source of a framework’s effectiveness is to be found in the acculturative and socializing effects of interaction in an environment in which values and practices are shared and reinforced as normative, and in which attention is paid to the existence and nature of violations. There is a rich and complex literature on the ways in which states, state actors, and the individuals within them may be “socialized” or “acculturated” by repeated engagement with others through common institutions and shared environments of normativity, eventually contributing to the emergence of obligations with genuine normative force.181 Jutta Brunnée and Stephen Toope have pointed out ways in which the force of legal obligation itself arises from shared communities of practice grounded in social reality and shared understandings, not formal commitments.182 As they put it, “[s]tability may be aided by explicit articulation of a norm in a text, but it is ultimately dependent upon [an] underlying shared understanding and a continuous practice of legality.”183

Participation in an endeavor of contingent cooperation may help to engender the development of such understandings and practices, and these may contribute to the effectiveness of the framework. In the longer term, this may even result in the creation of a legal instrument. But this progression is not necessary for acculturation to exert a reinforcing effect: for, as Anu Bradford accurately notes, there is no reason to think that “the pathway from nonbinding to binding rules” is an inevitable or even a natural one.184

The distinctive value of a framework is that it provides a low-cost way for jurisdictions to explore and participate in possible arrangements of mutual benefit that depend upon shared concrete understandings regarding future behavior, but without bearing the burden of an obligation under international law, without running the reputational risk of having to break a treaty, and without facing the domestic hurdles (or political scrutiny) that a treaty would necessitate.185 Use of such a framework may help to reduce the concerns grounded in political morality that might otherwise attend inter-jurisdictional action in sensitive areas:186 to use a term I have coined elsewhere, as contingent practices from which states could withdraw at any time, frameworks would benefit from considerable resources of “exit legitimacy.”187

Frameworks are not suited to every application. They seem particularly apt for types of international cooperation that generate excludable benefits for other participants and can be reasonably well monitored: in the sphere of competition policy, for example, this would include commitments to provide nondiscriminatory access to procurement markets as well as many forms of antitrust cooperation (including cooperation with one another’s investigations, coordination of enforcement activity, the operation of joint filing systems for merger review and cartel leniency programs, and so on). Certain guarantees of nondiscriminatory treatment by SOEs could also be extended on a selective basis. On the other hand, contingent cooperation is much less suitable for projects that require strong and highly credible guarantees of commitment from the participants (in which case a traditional treaty-contract would seem more appropriate188) or groups of parties still lacking the prerequisite agreement on the terms and ambit of desirable cooperation. Nor is it suitable in the absence of sufficient confidence in the ability or incentive of other parties to deliver on their commitments: in these cases, open dialogue and information exchange through a network would seem preferable. Nor, obviously, is it a good fit for projects in which the benefits of cooperation are non-excludable.189 To pick an obvious example, contingent cooperation would not recommend itself as a natural choice for an international project to introduce SOE discipline: the benefits are non-excludable (there is no obvious way to withdraw them selectively in the event of defection) and compliance is very difficult to monitor, so the use of a framework is unlikely to make much of a contribution.190

#### Starting by prohibiting cartels generates experience and feedback loops that spill over to broader harmonization

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a. *Criteria for goals*

The most obvious criteria for goals is that they must be sufficiently attractive to induce and maintain commitment from all necessary participants in the process. As we have seen, however, there is a broad range of goals in existing systems, which means that the goals of the project will have to be relatively general and flexible, becoming more specifically defined through experience along the pathway. A project which assumes that a single conception of competition law favored by one or two participants at a particular point in time will be accepted and implemented by all participants is unlikely to attract widespread commitment. Goals must also be ‘graspable’ or ‘interpretable.’ The language must identify the range of possible interpretations. If it does not, it cannot represent a common goal, and it cannot maintain support. In negotiating international agreements, it is common for parties intentionally to choose language that is too vague to guide actual decision making. That may be appropriate for other types of agreement, but it would be inconsistent with the long-term orientation of a commitment strategy.

The project’s goals must also be ‘shared’ or ‘shareable’. Where goals are shared, each participant has an interest in the effective pursuit of the goals by other participants. For example, the goal of increasing consumer welfare (as understood in neoclassical economics) is shareable, because any increase in consumer welfare on a global market benefits consumers across the market, regardless of state boundaries. In contrast, the goal of protecting a set of producers in one country would presumably not be shareable, as it relates only to those specific producers and those who benefit from their success.¹²

Finally, the agreed goals will have to be perceived as ‘fair’ by all types of participants. Goals that are likely to give significant advantages and gains to some participants (such as highly-industrialized countries) and to cause net harm to others (eg developing countries) cannot attract widespread support. At a minimum, therefore, fairness is likely to require that all participants have a reasonable prospect of benefit. Given the non-linear nature of economic development, however, it cannot require that all benefit equally.

b. Goal structure

Goals will have to be related to each other in ways that guide the development of national systems. As an example of such a structure, we use three goals which, if applied together, might form the basis of a global competition law strategy. Th ere may be others, but my purpose here is merely to illustrate how such a goal structure might look.

The basic concept is that participants would eventually all have approximately the same goals for competition law, at least insofar as it is applied to global markets. In order to achieve that result, national competition law goals would be expected to fi t within a range of goals that narrows over time. Given that national goals often vary considerably, this process will take time and affect some countries more than others. The basic goals would be set out at the time of agreement, but the pathway concept would allow variation over time on the basis of input from the participants.

The most basic goal of all competition laws is to deter anti-competitive conduct. Definitions of ‘anticompetitive’ vary, however, and the concept is notoriously difficult to operationalize in legal decision making. By itself, therefore, this goal is too broad. A second goal could give further guidance—protecting the process of competition from private restraints. The idea is contained in some form in all competition law systems, and thus it provides another shared basis for a pathway strategy. Although there can be uncertainty about the edges of the concept, it makes clear that the competitive process itself is the focus of the project, thus further limiting the set of acceptable national goals. Th e goal of providing durable benefits to consumers could further limit the acceptable range of goals. Again, virtually all competition law systems seek to protect the consumer, so it can also provide a basis for commitment. Together, a package of goals such as this might provide a viable basic goal framework.

c. Potential problem areas

The history of competition law development points to three potential problem areas in developing an acceptable goal structure. One is whether non-economic goals should be part of such a project. Competition laws have often pursued political and social goals in addition to their economic goals. In post-war Europe and in Japan, for example, competition law was often explicitly or implicitly intended to support democratic development. Experience with competition law has, however, revealed the difficulties of using competition law for non-economic goals, and the general trend has been to eliminate them. Given that a multinational project for competition law creates obligations for not one state, but many, such goals are likely to be incompatible with its objectives.

A second potentially difficult issue involves the goal of consumer welfare (in the sense of neoclassical economics). US officials and scholars (as well as many European competition officials) now generally assume that consumer welfare should provide the only goal of competition law, but many outside the US do not accept this view. Given that US support is likely to be necessary for the success of any global competition law project, this creates a potentially serious basis for conflict. Th ere may, however, be ways to minimize this conflict. For example, the consumer welfare standard is based on the application of price theory to a unified market. It does not take into account the existence of political borders. Th is at least calls into question whether it can be effective as the sole goal in a competition law strategy in which national boundaries play a central role. Moreover, the consumer welfare standard is most effectively used for short-run analysis, but a pathway project depends on maintaining political commitment over time. Those who favor consumer welfare as the sole goal of competition law may, therefore, be willing to broaden their range of acceptable goals, at least over the near term, in order to obtain the benefits of the project.

Another potential obstacle involves the goal of economic development. As we have seen, many countries have used competition law as a tool for development. Moreover, developing countries have often argued that economic development should be a goal of competition law, because economic development can be expected to create additional competitors as well as broader markets and thus enhance competition in the long run.¹³ Many kinds of policies may, however, be seen as supporting economic development, and thus identifying it as a goal for a pathway project gives little guidance. In addition, such a goal could easily be used to justify policies that are inconsistent with competition goals. In a pathway strategy, however, there may be no need for developing countries to insist on development as a goal, because the strategy provides flexibility in the timing of obligations and allows obligations regarding norms to be phased in over time. It is thus itself development-oriented. Most, perhaps all, of the arguments supporting development as a goal can be satisfied through the long-term orientation of the pathway concept.

In a pathway context, goals must guide the construction of the process and provide incentives to support it. Accordingly, in formulating goals that can perform this function effectively, the objective should be to articulate a set of goals that is specific enough to achieve commitment from states that prefer a narrow conception of goals, but broad enough to attract commitment from those who have a broader vision of goals. Each will have to accommodate the other. This can be justified if it supports a process that gives both groups most of what they want or is at least superior to its alternatives.

4. Commitment in norm-setting

Th e pathway concept requires that participants eventually restrict the norms that they apply to global markets. Th is narrowing of acceptable norms would have to be phased in over time, depending on factors in a country’s economy and political system as well as on the capacity and experience of its institutions. Some norms may be required early in the process, whereas others may be phased in as the project’s benefits are demonstrated and working relationships are created.

a. Potential obstacles

Two issues are likely to be prominent in reaching agreement on substantive norms. One is the role of economics. Recall that economics plays two basic roles in competition law: one is to interpret data, the other is to provide norms or standards of conduct. Our concern here is with its normative role. In the US, that role is central. There are few ‘rules’ that are based solely on the characteristics of the conduct itself. Legal decisions usually focus on economic analysis of the actual or probable effects of the conduct under the circumstances of a specific case. Economics here plays a normative role. It determines the lawfulness of the conduct. As we have seen, the European Commission has recently moved toward this view, at least in most areas of competition law.

Th is normative role for economics is, however, rare in other competition law systems. It creates a degree of legal uncertainty that few countries have accepted. In these systems, conduct is typically deemed unlawful where the conduct itself has specified characteristics or relatively specific effects, without requiring full analysis of its economic consequences in each specific case. A full effects-based economic analysis is expensive, and many countries do not have the resources to perform such an analysis. In the near term, therefore, it probably cannot be required as part of a global competition law strategy.

Divergence in views about the role of economics is thus likely to present challenges for any global competition law agreement, but one value of a pathway strategy is that it may be able to develop uses of economics that can bridge the gap. For example, officials and experts from participating countries could together develop common scenarios in which anti-competitive effects can be presumed or excluded.¹⁴ National competition officials and courts would be free to apply their laws according to their own procedures, but the scenarios would serve as guidelines for their decisions. Moreover, the group may eventually even include an obligation that national decision makers give reasons for reaching conclusions that are inconsistent with these scenarios. This may be a way of reducing concerns in the US and Europe about inadequate economic analysis and also meeting the demands of other systems for greater legal security.

The issue of whether norms should apply equally to all participants may also be an obstacle to agreement. It has created significant difficulties in previous discussions of global competition law, and it continues to be a major part of discussions in the area. Developing countries often argue that for historical and other reasons fi rms located in their countries have had limited opportunity to grow and to become competitive on global markets. As a result, if they are subjected to competition from larger foreign fi rms, they will have little chance of success, and global markets will forever be dominated by firms from a few countries. Th is, they claim, justifies what is often called ‘special and differential treatment’ for them. Other states have generally been unwilling to accept such treatment in the context of competition law.¹⁵

This issue is likely to be critical to competition law development, but the pathway concept may be uniquely positioned to accommodate it, because that strategy allows norms to be phased in over time, depending on factors such as the economic conditions in the participant state. A developing country’s obligations could thus automatically be tailored to its level of economic development, and differential treatment would gradually be eliminated over time.

b. Specific types of norms—cartels

A brief review of the main categories of norms illustrates some of these issues. The treatment of cartels could serve as a starting point and foundation for a pathway strategy. There is widespread agreement that cartels are generally harmful, and most, if not all, competition laws either prohibit them or contain norms intended to deter them. The economic harms from cartels are usually obvious, and even relatively low-cost deployment of economic analysis can identify them. This means that there may be little difficulty in requiring competition law systems to prohibit cartels. This would allow states to develop experience with the project and to develop trust, knowledge pathways, and feedback loops—all of which can provide momentum for further commitment. Above all, enforcement in the area can be expected to generate benefits that would further support the project.

#### Normative convergence through antitrust harmonization prevents extinction from resource depletion, human rights abuse, and war

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A. The international political environment

At the root of international political theory is the fundamental maxim that relations between sovereign nations in the absence of mitigating factors is characterized by intense competition, mutual distrust, the inability to make credible commitments, and war.20

[FOOTNOTE] 20 Political scientists characterize the international system as “anarchic.” In the absence of world government (or other mitigating force), competition between states is largely unregulated by external laws or enforcement. The world is characterized by mistrust, the inability to contract, and the ultimate reliance on a state’s own devices. See THOMAS HOBBES, LEVIATHAN 80 (Edwin Curley ed., 1994) (in the state of nature “the condition of man . . . is a condition of war of everyone against everyone”). In fuller terms:

There is no authoritative allocator of resources: we cannot talk about a ‘world society’ making decisions about economic outcomes. No consistent and enforceable set of comprehensive rules exists. If actors are to improve their welfare through coordinating their policies, they must do so through bargaining rather than by invoking central direction. In world politics, uncertainty is rife, making agreements is difficult, and no secure barriers prevent military and security questions from impinging on economic affairs.

ROBERT O. KEOHANE, AFTER HEGEMONY: COOPERATION AND DISCORD IN THE WORLD POLITICAL ECONOMY 18 (1984). Efficiency-enhancing gains from trade are difficult to appropriate because trade itself (and any other form of exchange or agreement between nations) is characterized by the absence of credible commitments to future behavior. And underlying the problem is the ever-present threat of the use of force. See, e.g., Kenneth N. Waltz, Anarchic Orders and Balances of Power, in NEOREALISM AND ITS CRITICS 98, 98 (Robert O. Keohane ed. 1986) (“The state among states . . . conducts its affairs in the brooding shadow of violence . . . . Among states, the state of nature is a state of war.”). Although this dire characterization of the international environment is, of course, a stylized approximation of the real world—there are always overlying constraints on sovereign behavior in the form of norms, reputational effects, and customary international law, HEDLEY BULL, THE ANARCHICAL SOCIETY: A STUDY OF ORDER IN WORLD POLITICS (1977)—it is a useful and widely accepted heuristic for crafting a theory of international politics. [END FOOTNOTE]

As one commentator notes, “Nations dwell in perpetual anarchy, for no central authority imposes limits on the pursuit of sovereign interests.”21 And states are “unitary actors who, at a minimum, seek their own preservation and, at a maximum, drive for universal domination.”22 As a result, states operating on the international stage are unable to judge the sincerity of each others’ stated intentions when those intentions are contrary to this manifest interest. Because of self-help rules, states are forced in the main to assess their own security environment by assessing the capabilities of competitors, downplaying their motives. Given that the nature of the competition can implicate the fundamental survival of one (or more) of the actors, actions taken by one state to improve its own security must necessarily decrease the security of its competitor; in the absence of mitigation, security is a zero-sum game.23 In a world where cooperation is exceedingly difficult (because there is no authority to enforce agreements, nor any basis for assessing the reliability of another state’s commitments), international relations are characterized by a continuous race to the bottom, a mindless arms race rather than the opportunity to realize gains from cooperation.

It is obvious that not all relations between states are characterized by the security dilemma, however. Canada, for example, shares an unprotected border with the most powerful nation in the world without degenerating into a destructive and costly arms race. By some mechanism, then, Canada must be able reliably to judge U.S. intentions, even absent the apparent ability by the United States credibly to bind itself to a nonaggressive policy toward Canada. The key to mitigating the pressures of the security dilemma is the ability to distinguish a state with aggressive and expansionist tendencies from a benign one.24 States can be distinguished by their fundamental type. They can be classified as “revisionist,” that is, they seek to subvert the dominant order, or they can be classified as “status quo,” that is, they seek to support it.25 But, as noted, a state’s ability to judge another’s intentions (as opposed simply to counting its armaments) is extremely tenuous and comes at great cost. In fact, political science offers few well-understood mechanisms for judging a state’s propensity for aggression.

At the same time, hegemonic states have an abiding interest in spreading and maintaining their dominant worldview.26 Not only is it imperative that dominant states receive credible signals about other states’ intentions, but it is also important that dominant states attempt to inculcate their norms within other states that, over time, might mount credible challenges to the dominant states’ security.27 The spread of hegemony through internalization of norms occurs for three reasons. First, states with similar institutions and sympathetic domestic norms are simply better and more reliable trading partners, and it is in the hegemon’s economic interest to instill its norms.28 Second, states with defensive military postures and that adhere to the status quo present significantly less security risk to dominant states.29 And finally, the hegemon has a normative interest in the spread of its culture, its worldview, and its norms.30 This conception of the playing field upon which states interact leads to the conclusion that, entirely apart from the immediate and substantial economic benefits to a state from well-ordered interactions with other states, hegemonic states also have a national security and a normative interest in the information to be gleaned from the fact that these interactions are, in fact, well ordered.

In the absence of centralized enforcement, privately held and nonverifiable information as to a state’s fundamental type is the critical problem in assessing motives.31

[FOOTNOTE] 31 See KEOHANE, supra note 20, at 31 (“Order in world politics is typically created by a single dominant power [or hegemon].”). States are consequently classified as one of two types, “revisionist” or “status quo,” based on their acceptance and adherence to the political norms, institutions, and rules created by the hegemon. Status quo states are those that try to improve their condition from within the framework of the accepted world order. Revisionist states, by contrast, seek to gain position both by working outside that order and by working to subvert the hegemonic order itself. For instance, the existing world order is generally accepted to be that created by the United States after World War II. It comprises a liberal international economic order, the use of multilateral institutions (such as the United Nations and the WTO), negotiation for dispute resolution rather than the threat of violence, and the promotion of liberal democratic moral norms. See, e.g., Schweller, supra note 24, at 85; HANS J. MORGENTHAU, POLITICS AMONG NATIONS: THE STRUGGLE FOR POWER AND PEACE 32 (1948). Trade disputes between status quo states (like tariff disputes between the United States and Europe) are resolved through peaceful negotiation rather than the threat of war. Although status quo states do not entirely eschew the use of violence, they typically seek international authorization and legitimization before employing military force, as in the multilateral operations in Iraq, Kosovo, and Afghanistan. Revisionist states, on the other hand, such as North Korea, Iran, and China, will more readily use military force as a bargaining tool and are more reluctant fully to participate in transparent military, economic, and political negotiations. [END FOOTNOTE]

States wishing to escape the pressures of the security dilemma and engage in cooperative behavior need a means of conveying their preferences to others in a credible manner. There are, in general, two means by which such information can be transmitted: states can either bind themselves in such a way that they are unable to deviate from a stated behavior (known as “hands tying” in Schelling),32 or they can signal their intention to engage in a specified course of action by incurring costs sufficiently large that they discourage the misrepresentation of preference.33

International institutions can play a crucial role in facilitating the transmission of this information.34 In particular, international agreements over the terms of trade, even without binding supranational enforcement authority, provide a means for states to bind themselves to a desirable course of behavior in the short run and, more importantly, to signal their acquiescence to the ruling world order in the long run. Because compliance with treaty obligations often requires signatories to alter their domestic laws to reflect the terms of the treaty, the costs of compliance can be substantial. In the short run, to the extent that states enforce their domestic laws they can bind themselves to a certain course of behavior. In the long run, a state’s willingness to incur the substantial costs of changing its laws, both the transaction costs inherent in changing domestic laws and the even more substantial costs in domestic political capital, signals a willingness to engage other states on the terms set by the reigning international power. Moreover, there may be unintended effects, as changes in domestic laws result in a new set of domestic incentives to which actors respond, and new windows of opportunity may open up through which policy entrepreneurs can push for the internalization of new norms.35 Competition laws in particular are susceptible to this mode of analysis.

Most nations have adopted competition laws as a way to actualize (as well as to symbolize) a degree of commitment to the competitive process and to the prevention of abusive business practices . . . . The introduction of competition laws and policies has also gone hand in hand with economic deregulation, regulatory reform, and the end of command and control economies.36

The surest way to remove the threat of war, increase wealth, conserve resources, and protect human rights is through fundamental agreement between all states (or at least effective agreement between verifiably status quo states) under a normative umbrella that promotes all of those values. This normative convergence can be effected through the stepwise internalization of the sorts of economic and democratic values inherent in international economic liberalization, perhaps most notably through the adoption of principled international antitrust standards.37

#### Resource depletion causes extinction

Dr. Timothy Gorringe 20, Professor in the Department of Religion and Theology at the University of Exeter, “Confession and Hope: Ekklesia’s Task in the Global Emergency”, Religions, Volume 11, Number 2, https://www.mdpi.com/2077-1444/11/2/97/htm

1. The Four Horsemen

Doubtless every generation has its own version of the four horsemen of Revelation 6, and they have been grim enough over the centuries, but never as genuinely apocalyptic, in the popular sense, as today. Today’s four horsemen—overpopulation, resource depletion, loss of biodiversity and climate change—could each separately mean civilisational collapse and put together they could mean the end of human life on earth.1

The first issue is population, which has more than doubled since 1961 to getting on for 8 billion. The UN predicts it will plateau at 11 billion at the end of the century but this cannot be guaranteed. The assumption is that women’s education, and the availability of contraception, will stabilize numbers but, as Stephen Emmot points out, both of these have been available in Niger for years, and the average birth rate is still seven children per woman. In China and Hungary larger families are officially promoted. If the current rate of global reproduction continues, there will not be eleven billion, but twenty eight billion human beings by the end of the century (Emmott 2013). While one sixth of the present world population still live in absolute poverty it remains the case that, as the Baltimore economist Herman Daly has been arguing for half a century, huge numbers mean huge impacts. Emmott argues that the pressures this size of population will generate can only end in complete collapse, in which the earth will become uninhabitable.

Population impacts are intensified by the dominant economic model, neo-liberalism, which looks for more and more growth, ignoring the warnings of the ‘Limits to Growth’ report of fifty years ago. The mission of the World Bank is to put an end to poverty, which is admirable, but the subtext is that the whole world should live like the United States—which would require five planets, and indeed more if absolute numbers keep growing. One of the results of this version of ‘economy’ (actually, an anti-economy as Wendell Berry in particular has argued) is a soaring gap between rich and poor all over the world. Today inequality is driven not primarily by inherited wealth but by salary differentials.2 Some CEOs earn more than a thousand times what their lowest paid employees earn. The French economist Thomas Piketty suggests that if it got to a stage where the top decile appropriated 90% of each year’s output, revolution would likely occur unless some peculiarly effective repressive apparatus exists to keep it from happening.3 Even in terms of the system as it is, an inegalitarian spiral cannot continue indefinitely: Ultimately there will be no place to invest the savings, and the global return on capital will fall, until an equilibrium distribution emerges.4

The second of our four horsemen is resource depletion, which includes uranium, copper, phosphorus, rare earths which are vital for renewable energy, top soil, but above all water. Sixty per cent of fresh water is found in just nine countries.5 It is estimated that within twenty years almost half the world’s population will experience water scarcity. Global consumption of water is doubling every twenty years, more than twice the rate of human population growth. Agriculture accounts for sixty five per cent (one ton of wheat requires one thousand tons of water), domestic use ten percent, and industry accounts for the rest. Even now ‘the water table in major grain producing areas in China is falling at the rate of five feet per year. Of China’s 617 cities 300 already face water shortages. 80% of their rivers no longer support fish life.’ (Kunstler 2006).

Some analysts have been predicting peak oil for many years and if this were really the case it would have huge implications for farming and therefore for the capacity to feed seven or eleven billion. However, as Emmott notes, new reserves of oil and gas are constantly being found, and shale oil and gas is coming on stream. The problem, as he puts it, is not that there are not enough fossil fuels, but, to the contrary, that we will seek to use every last drop.6

#### Human rights failure causes nuclear war

Gregory Treverton 17, Chair of the National Intelligence Council, Office of the Director of National Intelligence, National Intelligence Council Unclassified Strategic Assessment Of Global Trends, Authored by ODNI Personnel Including the Chairman of the NIC, “The Near Future: Tensions Are Rising”, 2017, <https://www.dni.gov/index.php/global-trends/near-future>

These global trends, challenging governance and changing the nature of power, will drive major consequences over the next five years. They will raise tensions across all regions and types of governments, both within and between countries. These near-term conditions will contribute to the expanding threat from terrorism and leave the future of international order in the balance.

Within countries, tensions are rising because citizens are raising basic questions about what they can expect from their governments in a constantly changing world. Publics are pushing governments to provide peace and prosperity more broadly and reliably at home when what happens abroad is increasingly shaping those conditions.

In turn, these dynamics are increasing tensions between countries—heightening the risk of interstate conflict during the next five years. A hobbled Europe, uncertainty about America’s role in the world, and weakened norms for conflict-prevention and human rights create openings for China and Russia. The combination will also embolden regional and nonstate aggressors—breathing new life into regional rivalries, such as between Riyadh and Tehran, Islamabad and New Delhi, and on the Korean Peninsula. Governance shortfalls also will drive threat perceptions and insecurity in countries such as Pakistan and North Korea.

* Economic interdependence among major powers remains a check on aggressive behavior but might be insufficient in itself to prevent a future conflict. Major and middle powers alike will search for ways to reduce the types of interdependence that leaves them vulnerable to economic coercion and financial sanctions, potentially providing them more freedom of action to aggressively pursue their interests.

Meanwhile, the threat from terrorism is likely to expand as the ability of states, groups, and individuals to impose harm diversifies. The net effect of rising tensions within and between countries—and the growing threat from terrorism—will be greater global disorder and considerable questions about the rules, institutions, and distribution of power in the international system.

Europe. Europe’s sharpening tensions and doubts about its future cohesion stem from institutions mismatched to its economic and security challenges. EU institutions set monetary policy for Eurozone states, but state capitals retain fiscal and security responsibilities—leaving poorer members saddled with debt and diminished growth prospects and each state determining its own approach to security. Public frustration with immigration, slow growth, and unemployment will fuel nativism and a preference for national solutions to continental problems.

* Outlook: Europe is likely to face additional shocks—banks remain unevenly capitalized and regulated, migration within and into Europe will continue, and Brexit will encourage regional and separatist movements in other European countries. Europe’s aging population will undermine economic output, shift consumption toward services—like health care—and away from goods and investment. A shortage of younger workers will reduce tax revenues, fueling debates over immigration to bolster the workforce. The EU’s future will hinge on its ability to reform its institutions, create jobs and growth, restore trust in elites, and address public concerns that immigration will radically alter national cultures.

United States. The next five years will test US resilience. As in Europe, tough economic times have brought out societal and class divisions. Stagnant wages and rising income inequality are fueling doubts about global economic integration and the “American Dream” of upward mobility. The share of American men age 25- 54 not seeking work is at the highest level since the Great Depression. Median incomes rose by 5 percent in 2015, however, and there are signs of renewal in some communities where real estate is affordable, returns on foreign and domestic investment are high, leveraging of immigrant talent is the norm, and expectations of federal assistance are low, according to contemporary observers.

* Outlook: Despite signs of economic improvement, challenges will be significant, with public trust in leaders and institutions sagging, politics highly polarized, and government revenue constrained by modest growth and rising entitlement outlays. Moreover, advances in robotics and artificial intelligence are likely to further disrupt labor markets. Meanwhile, uncertainty is high around the world regarding Washington’s global leadership role. The United States has rebounded from troubled times before, however, such as when the period of angst in the 1970s was followed by a stronger economic recovery and global role in the world. Innovation at the state and local level, flexible financial markets, tolerance for risk-taking, and a demographic profile more balanced than most large countries offer upside potential. Finally, America is distinct because it was founded on an inclusive ideal—the pursuit of life, liberty, and happiness for all, however imperfectly realized—rather than a race or ethnicity. This legacy remains a critical advantage for managing divisions.

Central and South America. Although state weakness and drug trafficking have and will continue to beset Central America, South America has been more stable than most regions of the world and has had many democratic advances—including recovery from populist waves from the right and the left. However, government efforts to provide greater economic and social stability are running up against budget and debt constraints. Weakened international demand for commodities has slowed growth. The expectations associated with new entrants to the middle class will strain public coffers, fuel political discontent, and possibly jeopardize the region’s significant progress against poverty and inequality Activist civil society organizations are likely to fuel social tensions by increasing awareness of elite corruption, inadequate infrastructure, and mismanagement. Some incumbents facing possible rejection by their publics are seeking to protect their power, which could lead to a period of intense political competition and democratic backsliding in some countries. Violence is particularly rampant in northern Central America, as gangs and organized criminal groups have undermined basic governance by regimes that lack capacity to provide many basic public goods and services.

* Outlook: Central and South America are likely to see more frequent changes in governments that are mismanaging the economy and beleaguered by widespread corruption. Leftist administrations already have lost power in places like Argentina, Guatemala, and Peru and are on the defensive in Venezuela, although new leaders will not have much time to show they can improve conditions. The success or failure of Mexico’s high-profile reforms might affect the willingness of other countries in the region to take similar political risks. The OECD accession process may be an opportunity—and incentive— for some countries to improve economic policies in a region with fairly balanced age demographics, significant energy resources, and well-established economic links to Asia, Europe, and the United States.

An Inward West? Among the industrial democracies of North America, Europe, Japan, South Korea, and Australia, leaders will search for ways to restore a sense of middle class wellbeing while some attempt to temper populist and nativist impulses. The result could be a more inwardly focused West than we have experienced in decades, which will seek to avoid costly foreign adventures while experimenting with domestic schemes to address fiscal limits, demographic problems, and wealth concentrations. This inward view will be far more pronounced in the European Union, which is absorbed by questions of EU governance and domestic challenges, than elsewhere.

* The European Union’s internal divisions, demographic woes, and moribund economic performance threaten its own status as a global player. For the coming five years at least, the need to restructure European relations in light of the UK’s decision to leave the EU will undermine the region’s international clout and could weaken transatlantic cooperation, while anti-immigration sentiments among the region’s populations will undermine domestic political support for Europe’s political leaders.
* Questions about the United States’ role in the world center on what the country can afford and what its public will support in backing allies, managing conflict, and overcoming its own divisions. Foreign publics and governments will be watching Washington for signs of compromise and cooperation, focusing especially on global trade, tax reform, workforce preparedness for advanced technologies, race relations, and its openness to experimentation at the state and local levels. Lack of domestic progress would signal a shift toward retrenchment, a weaker middle class, and potentially further global drift into disorder and regional spheres of influence. Yet, America’s capital, both human and security, is immense. Much of the world’s best talent seeks to live and work in the United States, and domestic and global hope for a competent and constructive foreign policy remain high.

China. China faces a daunting test—with its political stability in the balance. After three decades of historic economic growth and social change, Beijing, amid slower growth and the aftereffects of a debt binge, is transitioning from an investment-driven, export-based economy to one fueled by domestic consumption. Satisfying the demands of its new middle classes for clean air, affordable houses, improved services, and continued opportunities will be essential for the government to maintain legitimacy and political order. President Xi’s consolidation of power could threaten an established system of stable succession, while Chinese nationalism—a force Beijing occasionally encourages for support when facing foreign friction—may prove hard to control.

* Outlook: Beijing probably has ample resources to prop up growth while efforts to spur private consumption take hold. Nonetheless, the more it “doubles down” on state owned enterprises (SOEs) in the economy, the more it will be at greater risk of financial shocks that cast doubt on its ability to manage the economy. Automation and competition from lowcost producers elsewhere in Asia and even Africa will put pressure on wages for unskilled workers. The country’s rapidly shrinking working-age population will act as a strong headwind to growth.

Russia. Russia’s aspires to restore its great power status through nationalism, military modernization, nuclear saber rattling, and foreign engagements abroad. Yet, at home, it faces increasing constraints as its stagnant economy heads into a third consecutive year of recession. Moscow prizes stability and order, offering Russians security at the expense of personal freedoms and pluralism. Moscow’s ability to retain a role on the global stage—even through disruption—has also become a source of regime power and popularity at home. Russian nationalism features strongly in this story, with A Chinese man rides a bike among luxurious cars. China’s dramatic economic growth has highlighted greater gaps between rich and poor.

President Putin praising Russian culture as the last bulwark of conservative Christian values against the decadence of Europe and the tide of multiculturalism. Putin is personally popular, but approval ratings of 35 percent for the ruling party reflect public impatience with deteriorating quality of life conditions and abuse of power.

* Outlook: If the Kremlin’s tactics falter, Russia will become vulnerable to domestic instability driven by dissatisfied elites— even as a decline in status suggests more aggressive international action. Russia’s demographic picture has improved somewhat since the 1990s but remains bleak. Life expectancy among males is the lowest of the industrial world, and its population will continue to decline. The longer Moscow delays diversifying its economy, the more the government will stoke nationalism and sacrifice personal freedoms and pluralism to maintain control.

An Increasingly Assertive China and Russia. Beijing and Moscow will seek to lock in temporary competitive advantages and to right what they charge are historical wrongs before economic and demographic headwinds further slow their material progress and the West regains its footing. Both China and Russia maintain worldviews in which they are rightfully dominant in their regions and able to shape regional politics and economics to suit their security and material interests. Both have moved aggressively in recent years to exert greater influence in their regions, to contest the US geopolitically, and to force Washington to accept exclusionary regional spheres of influence—a situation that the United States has historically opposed. For example, China views the continuing presence of the US Navy in the Western Pacific, the centrality of US alliances in the region, and US protection of Taiwan as outdated and representative of the continuation of China’s “100 years of humiliation.”

* Recent Sino-Russian cooperation has been tactical, however, and is likely to return to competition if Beijing jeopardizes Russian interests in Central Asia and as Beijing enjoys more options for cheap energy supply beyond Russia. Moreover, it is not clear whether there is a mutually acceptable border between what China and Russia consider their natural spheres of influence. Meanwhile, India’s growing economic power and profile in the region will further complicate these calculations, as New Delhi navigates relations with Beijing, Moscow, and Washington to protect its own expanding interests. A Chinese development firm—with links to the Chinese Government and People’s Liberation Army— today announced that it recently purchased the uninhabited Cobia Island from the Government of Fiji for $850 million. Western security analysts assess that China plans to use the island to build a permanent military base in the South Pacific, 3,150 miles southwest of Hawaii.

Russian assertiveness will harden anti-Russian views in the Baltics and other parts of Europe, escalating the risk of conflict. Russia will seek, and sometimes feign, international cooperation, while openly challenging norms and rules it perceives as counter to its interests and providing support for leaders of fellow “managed democracies” that encourage resistance to American policies and preferences. Moscow has little stake in the rules of the global economy and can be counted on to take actions that weaken US and European institutional advantages. Moscow will test NATO and European resolve, seeking to undermine Western credibility; it will try to exploit splits between Europe’s north and south and east and west, and to drive a wedge between the United States and the EU.

* Similarly, Moscow will become more active in the Middle East and those parts of the world in which it believes it can check US influence. Finally, Russia will remain committed to nuclear weapons as a deterrent and as a counter to stronger conventional military forces, as well as its ticket to superpower status. Russian military doctrine purportedly includes the limited use of nuclear weapons in a situation where Russia’s vital interests are at stake to “deescalate” a conflict by demonstrating that continued conventional conflict risks escalating the crisis to a large scale nuclear exchange.

In Northeast Asia, growing tensions around the Korean Peninsula are likely, with the possibility of serious confrontation in the coming years. Kim Jong Un is consolidating his grip on power through a combination of patronage and terror and is doubling down on his nuclear and missile programs, developing long-range missiles that may soon threaten the continental United States. Beijing, Seoul, Tokyo, and Washington have a common incentive to manage security risks in Northeast Asia, but a history of warfare and occupation along with current mutual distrust makes cooperation difficult. Continued North Korean provocations, including additional nuclear and missile tests, might worsen stability in the region and prompt neighboring countries to take actions, sometimes unilaterally, to protect their security interests.

Competing Views on Instability

China and Russia portray global disorder as resulting from a Western plot to push what they see as self-serving American concepts and values of freedom to every corner of the planet. Western governments see instability as an underlying condition worsened by the end of the Cold War and incomplete political and economic development. Concerns over weak and fragile states rose more than a generation ago because of beliefs about the externalities they produce— whether disease, refugees, or terrorists in some instances. The growing interconnectedness of the planet, however, makes isolation from the global periphery an illusion, and the rise of human rights norms makes state violence against a governed population an unacceptable option.

#### Antitrust convergence strengthens governance globally---competition law’s the vital foundation

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In addition, conforming antitrust laws to the United States’ standards, for example, involves adopting principles of transparency, indiscriminate application of the law, the incorporation of economic principles into the legal code, the creation of fair and independent judiciaries, the creation of highly technical and independent enforcement agencies, and the emergence of an epistemic professional community of lawyers to interpret the changes. The adoption of all of these steps is the mechanism by which the lock-in phenomenon mentioned earlier can occur. These principles spill over into other areas of law and society and ultimately alter actors’ incentives and behaviors in ways that can result in the long-term internalization of these liberal norms. In particular, more than perhaps any other area of commercial law, antitrust principles contain within them the logic of significant constraints, not only on private, but also on government, conduct in every other facet of regulation and governance.

#### Robust governance prevents extinction

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Governance for Sustainability in light of (post) COVID-19 recovery

The ongoing COVID-19 crisis is generating massive adverse health and socio-economic impacts for societies around the globe, which require further attention for managing the pandemic as well as generating green, just and lasting recovery efforts. The crisis also brings many issues of relevance for ongoing sustainability transformations into the spotlight. One such issue is the role of governance, which we here broadly define as “the totality of actors, rules, conventions, processes and mechanisms concerned with how relevant…information is collected, analysed and communicated, and how management decisions are taken.” (IRGC 2005; see also Ostrom 2009).

The approaches taken to address COVID-19 bring to the fore relevant lessons – some (still to be) learnt - regarding global, national and subnational governance and potential changes needed to inform a shift towards sustainable development pathways. They also offer insights into opportunities and challenges for catalysing transformational change through decisive actions, e.g. as done with social distancing measures strongly informed by scientific advice, albeit not necessarily always based on robust evidence. Yet, COVID-19 also highlights significant gaps in the science-policy-society interface – including with regard to access to reliable, verifiable data to better inform decision making, in the prevalence of institutional mechanisms to deal with systemic and compound crises, and in the preparedness of global and national science communities and governance systems, among others.

It is widely recognised that the existential challenges that humanity is facing, such as climate change, biodiversity loss, increased prevalence of infectious diseases and others, require ‘robust’ governance structures that foster cooperation and collaboration as never before (WBGU 2014).

COVID-19 provides encouraging as well as challenging lessons for enhancing governance for sustainability. In several ‘early-mover’ countries, bold and decisive national government action coupled with clear communication initially led to containing the spread of (the first wave of) COVID-19 (e.g. South Korea, Singapore). Globally and regionally, the fact that COVID-19 has resulted in amplifying geo-political divides, such as between China and the US, and the challenges to the unity of the European Union, have been widely discussed in the media, illustrating the need for effective global governance structures that foster needed cooperation and at the same time respect local knowledge and democratic process.

What is more, COVID-19 is but one example in a string of health and other disasters and crises that the world has faced with increasing frequency in the recent past. As global warming continues, it will certainly not be the last. It is thus key to address the new set of risks and uncertainties in order to reduce risks and be prepared for other extreme events that may follow. Not all disasters are about health. Climate scientists are warning us about global tipping points (Lenton et al. 2019) and local adaptation limits (Mechler et al. 2020) as well as about ‘unknown unknowns,’ which demand capacity to take robust, nimble, yet evidence-based responses that find acceptance by affected societies.

This draft note for the IIASA-ISC COVID-19 recovery pathways initiative lays out our approach and initial thinking on the theme of “Governance for Sustainability” in terms of identifying relevant questions to learn from COVID-19 and draw lessons towards governance for sustainability pathways. We suggest four guiding questions (plus additional supporting questions), which we will further refine and seek answers to as part of the online consultations and further interactions with experts and the advisory panel. The ambition of the consultation process is to proceed towards co-generating some relevant policy recommendations for enhanced governance that is more agile, responsive, empowering, coherent, transparent, and adaptable in an ever more uncertain future, threatened by climate change and other stressors.

#### A tailored opt-in framework for export cartels secures global agreement

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In recent years competition laws were introduced in many jurisdictions and considerable effort was invested by the international community in competition advocacy and voluntary cooperation between competition authorities (best exemplified by the creation of the International Competition Network which now has more than 100 members), leading to more dialogue and understanding in this area of law. This led, for example, to international consensus on international private hard core cartels (but not export cartels) as harmful and actual cooperation in their pursuit across jurisdictions. Taking this into consideration, the time is perhaps ripe to come back to the discussion on export cartels and to revisit narrow-focused proposals in this regard which could be introduced within the WTO framework. The one suggested by Sweeney seems particularly appealing: an agreement taking into account in antitrust investigations not only domestic, but also foreign harm caused by such cartels; reinforced by a positive comity (a commitment to investigate a particular case at the request of a foreign jurisdiction). 233 Such a regime could be adopted as a plurilateral agreement, preferably on the side and not within a major negotiation round, open to all interested jurisdictions and subject to the WTO dispute settlement mechanism. Taking into consideration that China, as the discussed cases present, is caught between a rock of antidumping and a hard place of antitrust actions, it may be interested in such a solution. The US, on the other hand, facing now Chinese export cartels with considerable state involvement may find it worthwhile to sit down and negotiate as well so as to avoid similar but greater problems in the future. The European Union, which already within the framework of the WTO Woking Group took the view that the issue of export cartels should be addressed, would surely join the talks. While developing countries were quite sceptical about competition issues on the trade agenda, the Indian experience with the US soda ash export cartel, discussed above, shows that they may now find it in their best interests to work towards an international solution to export cartels, especially if approached outside the major round of trade negotiations. 234 In fact if the tipping point has not been reached yet, the recent developments allow hoping that it is not too far away and more thought should be now invested into consideration of possible scenarios addressing export cartels, both private and public, reflecting the current challenges.235

#### Other major powers will say ‘yes’

Michael Ristaniemi 20, PhD Candidate in Commercial Law at the University of Turku, Vice President for Sustainability at the Metsä Group, Participant in the Visiting Scholar Programme at the University of California, Berkeley, “International Antitrust: Toward Upgrading Coordination and Enforcement”, Doctoral Dissertation, October 2020, https://core.ac.uk/download/pdf/347180879.pdf

Despite the above, the major powers do have an interest in cooperating internationally in competition issues. The EU and the US appear to desire further convergence of practices and substantive thinking. Officially, China does not appear to have a strong stance on convergence, but recent practice shows that it too has engaged in an increasing amount of dialogue on competition matters. Indeed, there is an increasing amount of cooperation in relation to investigating international cartels, referring to cartels that operate in several nations concurrently and which seek to cartelize them.208

Further, the competition authorities of major powers have an incentive to ensure that merger control procedures affecting mergers benefiting their respective regions are as internationally streamlined and coordinated as possible given the number of multinationals that originate from each of their respective territories. Nonetheless, there are a few hurdles for streamlining international merger control. First is the dichotomous leadership of the US and the EU systems, with no single leading standard to become the global standard. Second, there are clear differences in nations’ scope of merger review that may arise from partially differing sets of goals should they attempt to address public interest or other non-competition related concerns concurrently with competition concerns.209 In any case, the aggregate cost of a fragmented system of international merger control is arguably higher than it would need to be. Improved, more structured coordination could help, as discussed further in Chapters 5 and 6 below.

#### Status-seeking drives agreement AND overwhelms economic costs

Geoffrey A. Manne 13, Lecturer in Law at Lewis & Clark Law School, Executive Director of the International Center for Law & Economics, JD from the University of Chicago Law School, Former Olin Fellow at the University of Virginia School of Law, and Dr. Seth Weinberger, PhD and MA in Political Science from Duke University, MA in National Security Studies from Georgetown University, AB from the University of Chicago, Associate Professor in the Department of Politics and Government at the University of Puget Sound, “International Signals: The Political Dimension of International Competition Law”, The Antitrust Bulletin, Volume 57, Number 3, Last Revised 7/18/2013, p. 490-492

The United States has an interest in obtaining credible long-term commitments from other states—particularly developing states—to the dominant norms of global economic and political liberalization preferred by the United States. To the extent that adherence to the tenets of economic liberalization preferred by the United States is costly, adherence to those standards conveys a measure of long-term commitment. Similarly, to the extent that states can be made to adapt their domestic infrastructure and institutions to conform with the United States’ preferred institutions of economic liberalization (an undoubtedly costly proposition8), the United States can credibly hope to initiate a process of internalization, whereby the adaptations made create a “lock-in” effect which helps to further the processes of market liberalization and democratization that the United States believes are essential for the maintenance of its preferred international order.9 In short, the more difficult and costly it is for a state to adhere to an international agreement, the more its continued, costly adherence signals the state’s long-term commitment to the underlying tenets with which the agreement is imbued.

Moreover and not least, the process of harmonization through successive, bilateral (or narrow, regional) agreements, particularly in the economic sphere, permits the measured, evolutionary adoption of international standards. The crass realpolitik of multilateral international institutions, even though imbued with desirable normative constraints, suggests that the product of their deliberations will be less economic than political. Many have suggested, however, that regulatory competition in an arena like antitrust (where laws are invariably applied extraterritorially and where states have no ability to lure incorporations with attractive antitrust laws) makes an evolutionary, competitive approach infeasible.10

The recognition of political costs, however, and a consideration of the broader political environment in which international economic laws are negotiated, suggest that an evolutionary, competitive approach is in fact possible. As described in more detail below,11 nations compete for favorable trade and other status. To the extent that their position in the normative order is affected favorably by incurring the costs of compliance with the dominant economic norms as embodied in particular agreements (because of the internalization effect), some measure of competition is possible. By this we mean that, rather than a race for the top (or bottom) engendered by the competition for incorporation fees, for example, states will compete in a race for political status. Because political status is conferred by entering into agreements with dominant economic powers, developing countries (and other states that have not yet solidified their political or economic positions) will enter into agreements without direct transfer payments in order to receive the benefits of credibility, normative change, and international acceptance. The net effect should be the effective export of consistent American (or, more recently, European) antitrust policy. Notably, because harmonization can be achieved over time, through limited agreements, the substance of the dominant international law can also be honed over time as experience proves it necessary.12

#### Even if some hold-out, the framework is flexible enough to create coalitions of the willing that expand later

Dr. Daniel Francis 21, Climenko Fellow and Lecturer on Law at Harvard Law School, Doctorate of Laws Degree from the NYU School of Law, Master of Laws Degree from Harvard University, JD from Trinity College at Cambridge University, Former Deputy Director of the Federal Trade Commission, “Choices and Consequences: Internationalizing Competition Policy after TPP”, in Megaregulation Contested: The Global Economic Order After TPP, Ed. Kingsbury, Revised 8/26/2021, p. 52-53

Conclusion

I have argued that strong, universalistic prescriptions regarding the internationalization of competition policy are unlikely to be very convincing or very interesting. Polities and societies have sharply differing accounts of what “free” and “fair” competition might mean, and when and how the state should shape it, interfere with it, or exclude it altogether. Liberalization and competition offer tremendous benefits to jurisdictions that embrace them; but no jurisdiction does so entirely, and each polity must find its own optimal balance between competition and the values that—so to speak—compete with it. This makes international action a very complex affair in which internationalization is likely to happen slowly when it happens at all. Sometimes it will be simply unavailable: “state preferences may be configured in such a way as to make cooperation unprofitable for all, in which case it will not occur, no matter what international mechanisms are in place.”204

As “[d]isagreement on matters of principle is . . . not the exception but the rule in politics,”205 I have suggested that there is considerable value in the provision of a wide range of tools and forms to facilitate international action. The bigger and more diverse the toolkit, the greater the likelihood of finding a solution that will serve the turn. To that end, I have emphasized the value of three forms of flexibility in this area: regionalism as a complement to bilateralism and multilateralism; frameworks as a complement to treaties and networks; and a willingness to explore cooperation on competition policy both alongside and separately from the liberalization of trade.

All the hard questions remain. But, as policymakers and scholars survey the wreckage of megaregionalism, I think there are plenty of reasons for optimism. I have emphasized that when grand megaregional bargains wrought in binding international law fail, other paths may remain open. Other combinations, other configurations, can offer the prospect of “progress”—in the right sense—to coalitions of the willing. At the time of writing, there is some evidence that many of the TPP’s parties continue to see value in deep cooperation in matters of trade and competition policy, even without the participation of the United States.206 With some creativity and imagination, and in partnership with like-minded jurisdictions, there is every reason to expect that they will achieve it.

#### Reciprocal prohibitions on export cartels are feasible and easily administered

Dr. Brendan Sweeney 11, PhD in Economics from Monash University, Deputy Head of the Department of Business Law and Taxation at Monash University, “Export Cartels” in The Internationalisation of Competition Rules: The Approach of European States, ISBN 9780415685443, Routledge, 7/29/2011, p. 397-398

3. Agreement in which exporting state considers foreign harm

A more realistic arrangement is one in which the exporting state, when determining the legality of an export cartel, agrees to take into account the consumer effects suffered in the importing state. Necessarily this will require states to agree to an export cartel rule based on anti-competitive effects. 100

Proceedings in the export state could be initiated by a request from the importing state. Given that the exporting state has incentives to tolerate export cartels, the exporting state should be required to respond to another state′s request by investigating the matter and issuing a written determination. The exporting state should also provide to aggrieved importers non-discriminatory access to their local competition law and policy processes (both administrative and judicial), to provide adequate procedural rules (for example, discovery rules), and to ensure adequate transparency. 101 A private right of action would be a desirable addition to this type of positive comity agreement. 102 Hoekman and Mavroidis have even suggested that a WTO special prosecutor might be given authority (and the resources) to bring an action on behalf of the least developed states. 103

The attractions of this solution are threefold. First, there is no need to apply law extraterritorially. Secondly, it is in the interest of the importing state to provide the necessary evidence of anti-competitive effects. Thus, the problems of evidence-gathering are likely to be minimized. Thirdly, although the exporting state will have to consider foreign effects, this is less disruptive than other alternatives, for example, handing primary authority to an international institution.

# 2AC

# CASE

### AT: Rana -- Imperialism

#### The United States has been the largest cause of the decline of empire internationally---any other reading interprets singular actions NOT structural system effects.

Daniel **Deudney &** John **Ikenberry 15**. Deudney, Johns Hopkins University; Ikenberry, Princeton University “America’s Impact: The End of Empire and the Globalization of the Westphalian System”, August 2015, http://scholar.princeton.edu/sites/default/files/gji3/files/am-impact-dd-gji-final-1-august-2015.pdf

Over the last two and a half centuries, the most important change in the international political system has been the decline of empire, and the simultaneous spread of the Westphalian system of sovereign states, from Europe to universal global scope. Empire – the direct coercive rule of one people over another – has almost vanished from world politics. 1 Where once the world was made up of regional systems – most of which were empires – the contemporary world is marked by a large number of sovereign states, now nearly two hundred. 2 Over these centuries, one state – the United States – initially at the periphery of the European imperial system, has become the most powerful and influential state in the system. There are many debates about America in the international system. One prominent argument developed extensively, particularly by recent historians, is that the United States is, and has been throughout its history, imperial and an empire. This view is widely held by many, both inside and outside the United States. In this view, the United States continued the Western imperial project as European empires faltered in the 20th century, and in the second half of the 20th century created the last and most extensive empire with global reach.3 Arguments along these lines are of more than just of academic interest because they connect to national identity narratives in many parts of the world, including the rising states of China and India, which emphasize anti-colonialism and anti-imperialism, as well as grievances against Western imperialism.4 In this paper, we challenge this view and offer a different account of the American impact on the world which emphasizes that the United States has played a key role in the decline of empire and the globalization of the Westphalian system. In contrast to those who view the United States as an empire, and thus as essentially antagonistic to the Westphalian sovereign state system, we argue that the United States, in an overall ledger sheet of impacts, has been influential against imperialism and colonialism, and has been powerfully supportive of the spread of the Westphalian system. We argue that contemporary views of the United States as imperial profoundly misrepresent the overall impact the United States has had on the international system over the last two and a half centuries. In this paper, we lay out the evidence for how the United States has played a major and often decisive role as an anti-imperial and anti-colonial force. More than any other state in the system, we argue, the United States has undermined empire and spread of the Westphalian system. Of course, the decline of empire and the spread of the Westphalian system are the result of many forces, including the diffusion of military capabilities, the growth of the international trading system, the rise of nationalism, and the spread of anti-colonial and human rights norms have all played powerful roles in diminishing the effectiveness of imperialism and the attractiveness and longevity of empires.5 But efforts to create empires continued well into the 20th century, and their lack of success stemmed not just from these broader trends in ideas and power but also from the grand strategies of the leading states – most notably the United States – in directly opposing the creation and perpetuation of empires. To be sure, the United States has been imperial and briefly had an empire in some times and places. But these episodes, we argue, are greatly overshadowed in their overall impact by American anti-imperialism and anticolonialism. And the global spread of the Westphalian system, by no means solely resulting from American actions, has been more advanced by American foreign policies than of any other state in the system. There are four broad reasons why the American role as anti-imperial and pro Westphalian have been underappreciated. First, many view the liberal international order, which the United States has played such a pivotal role in creating over the 20th century, as a challenge to the Westphalian system and a replacement for it, rather than an addition to it. Second, America’s centrality in the globalization of the Westphalian system through the thwarting and dismantlement of empire has been obscured by the widespread tendency to conceive of Europe and the United States as together making up “the West.”6 This makes it all too easy to see Europe’s centuries of imperialism being continued by the United States. In contrast, we argue that a major dynamic in world politics has pitted an “old West” of European imperialisms against the anti-imperialism and anti-colonialism of a “new West” in America. Third, the historical literature on modern empire building widely identifies two waves of activity (the first from the 16th century to the early 19th century, and the second from the 19th century to the beginning of the 20th). We identify two additional waves of empire building, in the World Wars and then in the Cold War. When these two additional waves are brought back into the picture, the case for seeing the United States as anti-imperial and anti-colonial is significantly strengthened, since the United States played such a prominent role in thwarting and dismantling these late-empire building efforts. Fourth, many contemporary observers of America’s impact on the world focus on infamous moments when the United States did exercise crude imperial behavior: in the many military interventions and covert actions in Latin America and the Middle East over the last century and, most saliently, the 2003 American invasion of Iraq. We do not seek to ignore or justify these episodes and patterns of behavior. The United States has been imperial in some ways and in some instances. But we seek to place them in the context of what we argue is America’s more significant impact on the organization of the global system.

## K

#### House of IR essentializes West and non-West – prevents re-visioning of world order and alternative solvency.

Christopher Murray 19, IR PhD candidate at London School of Economics and Political Science, “Imperial dialectics and epistemic mapping: From decolonisation to anti-Eurocentric IR,” European Journal of International Relations 1–24

To an extent, the incentive structure to add alternatives in the form of non-Western alternatives is passed down by mainstream IR theorists. For example, mainstream realists who have essentialised the ‘character’ of non-Western nations as a limit on the expansion of Western universalism (e.g. Huntington, 1997; Kissinger, 2014; see Reus- Smit, 2017) can provoke responses valorising non-Western universalisms. Or mainstream realists who argue that non-Western IR can offer nothing that Western IR does not already (e.g. Mearsheimer, 2016) can provoke a proliferation of exceptions in the form of ethnic and cultural particularisms. Though not all anti-Eurocentric IR scholars are equally incautious about epistemic mapping, it is broadly practised and seemingly difficult to avoid. Epistemic mapping is brought in to offer ‘global’ or ‘post-Western’ alternatives to IR’s ‘analytical bifurcations’ – such as West/East, theoretical/atheoretical, subjective/objective – but actually elaborates on these bifurcations.7 When Acharya points to constructivism’s role in ‘opening space for scholarship on the non-Western world’ because of its emphasis on ‘culture and Identity’ he is drawing on an older bifurcation based on the notion that while the West has ‘knowledge’, the non-West has ‘culture’ (Acharya, 2014b: 650). Similarly, Yaqing Qin (2018) reproduces a familiar stereotype about the West operating from a knowledge culture of ‘rationality’, whereas China operates from an epistemology of ‘relation’. Robbie Shilliam has been a foremost scholar in pointing out the different uses of the Western, and the inherent problems of representing an authentic non-Western removed from colonial history (2010). However, in his recent work, the Black Pacific, he claims the ability (though not unproblematic) to speak for the lived experiences and ‘living knowledge traditions’ of Maori and Pasifika peoples. These living knowledge traditions, Shilliam argues, provide access to an epistemic alternative to ‘Western modernity’, supposedly free of ‘Western’ hierarchy or violence (Shilliam, 2015: 7–12). These claims sometimes come with troubling assertions of a hegemonic national philosophy or religion as the basis for epistemic difference. For example, Confucianism is equated with Chinese in a manner that celebrates a particular representation of national identity and buries internal contestation and the myriad historical forces that shaped contemporary China. Note, for example, that Qin’s book on Chinese IR contains no reference to international communism or Mao Zedong as intellectual or cultural influences on modern China. Other varieties of epistemic mapping allow for ‘hybrid’ forms of social, political and economic organisation, but retain the essential origin of the individual components. For example, Agathangelou and Ling’s invocation of ‘Asian capitalism’, which they conceptualise as the result of ‘mater liberalism’s consummation with the Confucian worldorder’ creates a hybrid category out of two essentialisms (2004: 27). Contrast this with Fanon, who refused to concede rightful ownership of human knowledge to particular peoples, regions or civilisations. The way that the debate is structured around these divisions leaves it poorly guarded against the double-edged valence of difference. Reduction of difference to ethnic and cultural categories (including European) can lead to reduction of groups to their worst practices, to virtuous caricatures, or disable the critiques of anyone seen to be outside these groups. That different societies have produced different cultural particularities is not in doubt; however, the meanings that intellectual origin claims carry are ambiguous and can be put to many different uses. Ancient Greece, for example, provides some of the major foundations of dominant Western thought, but in its historical context it had more cultural, intellectual and political links with the civilisations of Asia Minor and Egypt. Both of these statements can be true, yet both can be emphasised in different ways for different effects (for example, see Duara, 1996: 40; Young, 2016; 33). Take the claim, sometimes obliquely made, that non-Western perspectives are distinct sources of cultural cohesion, spirituality or moral insight. For example, Arlene Tickner’s assertion that modern Western belief systems are based upon an instrumental relationship between human beings (subject) and nature (object) that translates into the instrumentalisation of knowledge or the view of knowledge as a commodity. Instead, many non-Western cosmogonies view the self, community and nature as interdependent parts of a single whole, with which their understanding of the relationship between knowledge and the natural world, and of the social function of knowledge in general, is markedly different (Tickner, 2003: 305). Such a claim is not only essentialist, but politically ambiguous. Imperial authorities made similar claims about non-Western worldviews in order to justify exclusion on the grounds that ‘natives’ were ill-adept for modernity, but also to cast doubt on the authenticity of ‘Westernised’ native critics. It is unlikely that Tickner means to essentialise; however, the characterisation of the non-Western as more attuned to communal values and the natural world emerges from the dialectical impetus to define the particular non-Western against the particular Western. The definition of the Western as rational and universalist is also constructed, and is complicated by any close inspection of the variety of communitarian religious beliefs, anti-modern sentiment and counter-Enlightenment philosophy within modern Europe and the West. On the other hand, many non-Westerners also see knowledge as a commodity. Commodification of knowledge is, therefore, not explicable purely in terms of ethno-cultural thought systems. This raises the related point that the non-Western alternatives being defined need not be insular or ‘communitarian’ in order to be essentialisms. The claim is not that the ‘non- Western’ circumscribes too narrow a section of humanity, but that it carves up the world into separate realms, which are coded according to some ingredient that defines them in contradistinction to the Western. Arguments that non-Westerners have their own universalisms (Acharya, 2014b: 649–650), alternative sources of cosmopolitanism (Munro and Shilliam, 2010) or local humanisms (Nakano, 2010) demonstrate that political globalism is universal, regardless of whether or not its universality can be evaluated as serving progressive or conservative, emancipatory or oppressive political aims. However, attributing specific global visions to a particular social or historical experience supposedly shared by people with the same race and culture only makes sense within a politicised discourse where the value of the non-Western has been somehow challenged.8 Then there are definitions of epistemic difference based on ‘lived experience’. Although an improvement on territorial or raciological accounts, the ascription of cultural difference to a generic lived experience or social subjectivity can also reduce groups of people to stereotypes and monolithic value sets. This is evident in the work of some scholars who take Fanon primarily as a source of ‘epistemic blackness’, without fully addressing his concerns about racialisation and the geopolitical dimensions of decolonisation. For example, the philosopher Lewis R. Gordon writes that ‘Fanon’s body. . . is a subtext of all his writings. ... Anxiety over embodiment is a dimension of Western civilization against which Fanon was in constant battle. The body, he laments, is a denied presence, and black people are a denied people’ (Gordon, 2015: 8). Even in as sophisticated an analysis of Fanon as Gordon’s, there is a danger of essentialism through the association of black identity with a particular way of thinking. For Fanon, black people were not so much universally ‘denied’ as relegated to certain roles within a social hierarchy – the French empire most specifically. Blacks could be of higher or lower status, but race was the basis for social relegation, which alienated the subject from a full, dynamic humanity. For Fanon, every particular experience is an instantiation of the universal, and his analysis of his own experience is a demand to be recognised as a fellow human with an equal stake in humanity. Blackness is not a generalisable perspective from which we can derive a non-Western knowledge, but a reminder to pay attention to the social and historical specificity of relation.9 Embodiment arguments are usually the vehicle for Fanon’s presence in IR, and are often accompanied with the claim that non-Westerners have profoundly different ways of practising politics or being modern. For example, Vivienne Jabri (2014) invokes Fanon to theorise the ‘embodied presence’ of non-Western agency within international order. Anna Agathangelou (2016) links different aspects of Fanon’s revolutionary dialectics to his conception of the subjugated black body**.** She is particularly interested in how Fanon’s conception of racial experience might present alternatives or ‘different’ ways of doing politics (Agathangelou, 2016: 111; cf. Sekyi-Otu, 2009). In a similar argument, John M. Hobson contrasts the ‘different critique’ of ‘African-American Marxists’, including Du Bois, with ‘white Eurocentric institutional thinkers’ like Leonard Woolf (Hobson, 2012: 17, n. 20). However, the difference is not as stark as Hobson might hope. It is true that Woolf’s anti-racism was qualified by a belief in elite institutional development, but so was Du Bois’s anti-imperialism.10 Areas of overlap are, thus, obscured by the assumption that there are ‘black’ and ‘white’ ideas, which can be mapped onto generic ‘black’ and ‘white’ social realities. Aside from its dubious reliability, the problem with epistemic mapping is essentially the same as the problem with the ethnicised counter claims of Du Bois or Senghor: it is too amenable to the purposes of imperial ordering and elite representation. It creates and services the two worlds of Said’s orientalist divide, rather than building an agenda based on analytical approaches that constructively problematise the divide.

### Extinction First---2AC

#### Extinction outweighs---it’s the upmost moral evil and disavowal of the risk makes it more likely.

Burns 17 (Elizabeth Finneron-Burns is a Teaching Fellow at the University of Warwick and an Affiliated Researcher at the Institute for Futures Studies in Stockholm, What’s wrong with human extinction?, <http://www.tandfonline.com/doi/pdf/10.1080/00455091.2016.1278150?needAccess=true>, Canadian Journal of Philosophy, 2017)

Many, though certainly not all, people might believe that it would be wrong to bring about the end of the human species, and the reasons given for this belief are various. I begin by considering four reasons that could be given against the moral permissibility of human extinction. I will argue that only those reasons that impact the people who exist at the time that the extinction or the knowledge of the upcoming extinction occurs, can explain its wrongness. I use this conclusion to then consider in which cases human extinction would be morally permissible or impermissible, arguing that there is only a small class of cases in which it would not be wrong to cause the extinction of the human race or allow it to happen. 2.1. It would prevent the existence of very many happy people One reason of human extinction might be considered to be wrong lies in the value of human life itself. The thought here might be that it is a good thing for people to exist and enjoy happy lives and extinction would deprive more people of enjoying this good. The ‘good’ in this case could be understood in at least two ways. According to the first, one might believe that you benefit a person by bringing them into existence, or at least, that it is good for that person that they come to exist. The second view might hold that if humans were to go extinct, the utility foregone by the billions (or more) of people who could have lived but will now never get that opportunity, renders allowing human extinction to take place an incidence of wrongdoing. An example of this view can be found in two quotes from an Effective Altruism blog post by Peter Singer, Nick Beckstead and Matt Wage: One very bad thing about human extinction would be that billions of people would likely die painful deaths. But in our view, this is by far not the worst thing about human extinction. The worst thing about human extinction is that there would be no future generations. Since there could be so many generations in our future, the value of all those generations together greatly exceeds the value of the current generation. (Beckstead, Singer, and Wage 2013) The authors are making two claims. The first is that there is value in human life and also something valuable about creating future people which gives us a reason to do so; furthermore, it would be a very bad thing if we did not do so. The second is that, not only would it be a bad thing for there to be no future people, but it would actually be the worst thing about extinction. Since happy human lives have value, and the number of potential people who could ever exist is far greater than the number of people who exist at any one time, even if the extinction were brought about through the painful deaths of currently existing people, the former’s loss would be greater than the latter’s. Both claims are assuming that there is an intrinsic value in the existence of potential human life. The second claim makes the further assumption that the forgone value of the potential lives that could be lived is greater than the disvalue that would be accrued by people existing at the time of the extinction through suffering from painful and/or premature deaths. The best-known author of the post, Peter Singer is a prominent utilitarian, so it is not surprising that he would lament the potential lack of future human lives per se. However, it is not just utilitarians who share this view, even if implicitly. Indeed, other philosophers also seem to imply that they share the intuition that there is just something wrong with causing or failing to prevent the extinction of the human species such that we prevent more ‘people’ from having the ‘opportunity to exist’. Stephen Gardiner (2009) and Martin O’Neill (personal correspondence), both sympathetic to contract theory, for example, also find it intuitive that we should want more generations to have the opportunity to exist, assuming that they have worth-living lives, and I find it plausible to think that many other people (philosophers and non-philosophers alike) probably share this intuition. When we talk about future lives being ‘prevented’, we are saying that a possible person or a set of possible people who could potentially have existed will now never actually come to exist. To say that it is wrong to prevent people from existing could either mean that a possible person could reasonably reject a principle that permitted us not to create them, or that the foregone value of their lives provides a reason for rejecting any principle that permits extinction. To make the first claim we would have to argue that a possible person could reasonably reject any principle that prevented their existence on the grounds that it prevented them in particular from existing. However, this is implausible for two reasons. First, we can only wrong someone who did, does or will actually exist because wronging involves failing to take a person’s interests into account. When considering the permissibility of a principle allowing us not to create Person X, we cannot take X’s interest in being created into account because X will not exist if we follow the principle. By considering the standpoint of a person in our deliberations we consider the burdens they will have to bear as a result of the principle. In this case, there is no one who will bear any burdens since if the principle is followed (that is, if we do not create X), X will not exist to bear any burdens. So, only people who do/will actually exist can bear the brunt of a principle, and therefore occupy a standpoint that is owed justification. Second, existence is not an interest at all and a possible person is not disadvantaged by not being caused to exist. Rather than being an interest, it is a necessary requirement in order to have interests. Rivka Weinberg describes it as ‘neutral’ because causing a person to exist is to create a subject who can have interests; existence is not an interest itself.3 In order to be disadvantaged, there must be some detrimental effect on your interests. However, without existence, a person does not have any interests so they cannot be disadvantaged by being kept out of existence. But, as Weinberg points out, ‘never having interests itself could not be contrary to people’s interests since without interest bearers, there can be no ‘they’ for it to be bad for’ (Weinberg 2008, 13). So, a principle that results in some possible people never becoming actual does not impose any costs on those ‘people’ because nobody is disadvantaged by not coming into existence.4 It therefore seems that it cannot be wrong to fail to bring particular people into existence. This would mean that no one acts wrongly when they fail to create another person. Writ large, it would also not be wrong if everybody decided to exercise their prerogative not to create new people and potentially, by consequence, allow human extinction. One might respond here by saying that although it may be permissible for one person to fail to create a new person, it is not permissible if everyone chooses to do so because human lives have value and allowing human extinction would be to forgo a huge amount of value in the world. This takes us to the second way of understanding the potential wrongness of preventing people from existing — the foregone value of a life provides a reason for rejecting any principle that prevents it. One possible reply to this claim turns on the fact that many philosophers acknowledge that the only, or at least the best, way to think about the value of (individual or groups of) possible people’s lives is in impersonal terms (Parfit 1984; Reiman 2007; McMahan 2009). Jeff McMahan, for example, writes ‘at the time of one’s choice there is no one who exists or will exist independently of that choice for whose sake one could be acting in causing him or her to exist … it seems therefore that any reason to cause or not to cause an individual to exist … is best considered an impersonal rather than individual-affecting reason’ (McMahan 2009, 52). Another reply along similar lines would be to appeal to the value that is lost or at least foregone when we fail to bring into existence a next (or several next) generations of people with worth-living lives. Since ex hypothesi worth-living lives have positive value, it is better to create more such lives and worse to create fewer. Human extinction by definition is the creation of no future lives and would ‘deprive’ billions of ‘people’ of the opportunity to live worth-living lives. This might reduce the amount of value in the world at the time of the extinction (by killing already existing people), but it would also prevent a much vaster amount of value in the future (by failing to create more people). Both replies depend on the impersonal value of human life. However, recall that in contractualism impersonal values are not on their own grounds for reasonably rejecting principles. Scanlon himself says that although we have a strong reason not to destroy existing human lives, this reason ‘does not flow from the thought that it is a good thing for there to be more human life rather than less’ (104). In contractualism, something cannot be wrong unless there is an impact on a person. Thus, neither the impersonal value of creating a particular person nor the impersonal value of human life writ large could on its own provide a reason for rejecting a principle permitting human extinction. It seems therefore that the fact that extinction would deprive future people of the opportunity to live worth-living lives (either by failing to create either particular future people or future people in general) cannot provide us with a reason to consider human extinction to be wrong. Although the lost value of these ‘lives’ itself cannot be the reason explaining the wrongness of extinction, it is possible the knowledge of this loss might create a personal reason for some existing people. I will consider this possibility later on in section (d). But first I move to the second reason human extinction might be wrong per se. 2.2. It would mean the loss of the only known form of intelligent life and all civilization and intellectual progress would be lost A second reason we might think it would be wrong to cause human extinction is the loss that would occur of the only (known) form of rational life and the knowledge and civilization that that form of life has created. One thought here could be that just as some might consider it wrong to destroy an individual human heritage monument like the Sphinx, it would also be wrong if the advances made by humans over the past few millennia were lost or prevented from progressing. A related argument is made by those who feel that there is something special about humans’ capacity for rationality which is valuable in itself. Since humans are the only intelligent life that we know of, it would be a loss, in itself, to the world for that to end. I admit that I struggle to fully appreciate this thought. It seems to me that Henry Sidgwick was correct in thinking that these things are only important insofar as they are important to humans (Sidgwick 1874, I.IX.4).5 If there is no form of intelligent life in the future, who would there be to lament its loss since intelligent life is the only form of life capable of appreciating intelligence? Similarly, if there is no one with the rational capacity to appreciate historic monuments and civil progress, who would there be to be negatively affected or even notice the loss?6 However, even if there is nothing special about human rationality, just as some people try to prevent the extinction of nonhuman animal species, we might think that we ought also to prevent human extinction for the sake of biodiversity. The thought in this, as well as the earlier examples, must be that it would somehow be bad for the world if there were no more humans even though there would be no one for whom it is bad. This may be so but the only way to understand this reason is impersonally. Since we are concerned with wrongness rather than badness, we must ask whether something that impacts no one’s well-being, status or claims can be wrong. As we saw earlier, in the contractualist framework reasons must be personal rather than impersonal in order to provide grounds for reasonable rejection (Scanlon 1998, 218–223). Since the loss of civilization, intelligent life or biodiversity are per se impersonal reasons, there is no standpoint from which these reasons could be used to reasonably reject a principle that permitted extinction. Therefore, causing human extinction on the grounds of the loss of civilization, rational life or biodiversity would not be wrong. 2.3. Existing people would endure physical pain and/or painful and/or premature deaths Thinking about the ways in which human extinction might come about brings to the fore two more reasons it might be wrong. It could, for example, occur if all humans (or at least the critical number needed to be unable to replenish the population, leading to eventual extinction) underwent a sterilization procedure. Or perhaps it could come about due to anthropogenic climate change or a massive asteroid hitting the Earth and wiping out the species in the same way it did the dinosaurs millions of years ago. Each of these scenarios would involve significant physical and/or non-physical harms to existing people and their interests. Physically, people might suffer premature and possibly also painful deaths, for example. It is not hard to imagine examples in which the process of extinction could cause premature death. A nuclear winter that killed everyone or even just every woman under the age of 50 is a clear example of such a case. Obviously, some types of premature death themselves cannot be reasons to reject a principle. Every person dies eventually, sometimes earlier than the standard expected lifespan due to accidents or causes like spontaneously occurring incurable cancers. A cause such as disease is not a moral agent and therefore it cannot be wrong if it unavoidably kills a person prematurely. Scanlon says that the fact that a principle would reduce a person’s well-being gives that person a reason to reject the principle: ‘components of well-being figure prominently as grounds for reasonable rejection’ (Scanlon 1998, 214). However, it is not settled yet whether premature death is a setback to well-being. Some philosophers hold that death is a harm to the person who dies, whilst others argue that it is not.7 I will argue, however, that regardless of who is correct in that debate, being caused to die prematurely can be reason to reject a principle when it fails to show respect to the person as a rational agent. Scanlon says that recognizing others as rational beings with interests involves seeing reason to preserve life and prevent death: ‘appreciating the value of human life is primarily a matter of seeing human lives as something to be respected, where this involves seeing reasons not to destroy them, reasons to protect them, and reasons to want them to go well’ (Scanlon 1998, 104). The ‘respect for life’ in this case is a respect for the person living, not respect for human life in the abstract. This means that we can sometimes fail to protect human life without acting wrongfully if we still respect the person living. Scanlon gives the example of a person who faces a life of unending and extreme pain such that she wishes to end it by committing suicide. Scanlon does not think that the suicidal person shows a lack of respect for her own life by seeking to end it because the person whose life it is has no reason to want it to go on. This is important to note because it emphasizes the fact that the respect for human life is person-affecting. It is not wrong to murder because of the impersonal disvalue of death in general, but because taking someone’s life without their permission shows disrespect to that person. This supports its inclusion as a reason in the contractualist formula, regardless of what side ends up winning the ‘is death a harm?’ debate because even if death turns out not to harm the person who died, ending their life without their consent shows disrespect to that person. A person who could reject a principle permitting another to cause his or her premature death presumably does not wish to die at that time, or in that manner. Thus, if they are killed without their consent, their interests have not been taken into account, and they have a reason to reject the principle that allowed their premature death.8 This is as true in the case of death due to extinction as it is for death due to murder. However, physical pain may also be caused to existing people without killing them, but still resulting in human extinction. Imagine, for example, surgically removing everyone’s reproductive organs in order to prevent the creation of any future people. Another example could be a nuclear bomb that did not kill anyone, but did painfully render them infertile through illness or injury. These would be cases in which physical pain (through surgery or bombs) was inflicted on existing people and the extinction came about as a result of the painful incident rather than through death. Furthermore, one could imagine a situation in which a bomb (for example) killed enough people to cause extinction, but some people remained alive, but in terrible pain from injuries. It seems uncontroversial that the infliction of physical pain could be a reason to reject a principle. Although Scanlon says that an impact on well-being is not the only reason to reject principles, it plays a significant role, and indeed, most principles are likely to be rejected due to a negative impact on a person’s well-being, physical or otherwise. It may be queried here whether it is actually the involuntariness of the pain that is grounds for reasonable rejection rather than the physical pain itself because not all pain that a person suffers is involuntary. One can imagine acts that can cause physical pain that are not rejectable — base jumping or life-saving or improving surgery, for example. On the other hand, pushing someone off a cliff or cutting him with a scalpel against his will are clearly rejectable acts. The difference between the two cases is that in the former, the person having the pain inflicted has consented to that pain or risk of pain. My view is that they cannot be separated in these cases and it is involuntary physical pain that is the grounds for reasonable rejection. Thus, the fact that a principle would allow unwanted physical harm gives a person who would be subjected to that harm a reason to reject the principle. Of course the mere fact that a principle causes involuntary physical harm or premature death is not sufficient to declare that the principle is rejectable — there might be countervailing reasons. In the case of extinction, what countervailing reasons might be offered in favour of the involuntary physical pain/ death-inducing harm? One such reason that might be offered is that humans are a harm to the natural environment and that the world might be a better place if there were no humans in it. It could be that humans might rightfully be considered an all-things-considered hindrance to the world rather than a benefit to it given the fact that we have been largely responsible for the extinction of many species, pollution and, most recently, climate change which have all negatively affected the natural environment in ways we are only just beginning to understand. Thus, the fact that human extinction would improve the natural environment (or at least prevent it from degrading further), is a countervailing reason in favour of extinction to be weighed against the reasons held by humans who would experience physical pain or premature death. However, the good of the environment as described above is by definition not a personal reason. Just like the loss of rational life and civilization, therefore, it cannot be a reason on its own when determining what is wrong and countervail the strong personal reasons to avoid pain/death that is held by the people who would suffer from it.9 Every person existing at the time of the extinction would have a reason to reject that principle on the grounds of the physical pain they are being forced to endure against their will that could not be countervailed by impersonal considerations such as the negative impact humans may have on the earth. Therefore, a principle that permitted extinction to be accomplished in a way that caused involuntary physical pain or premature death could quite clearly be rejectable by existing people with no relevant countervailing reasons. This means that human extinction that came about in this way would be wrong. There are of course also additional reasons they could reject a similar principle which I now turn to address in the next section. 2.4. Existing people could endure non-physical harms I said earlier than the fact in itself that there would not be any future people is an impersonal reason and can therefore not be a reason to reject a principle permitting extinction. However, this impersonal reason could give rise to a personal reason that is admissible. So, the final important reason people might think that human extinction would be wrong is that there could be various deleterious psychological effects that would be endured by existing people having the knowledge that there would be no future generations. There are two main sources of this trauma, both arising from the knowledge that there will be no more people. The first relates to individual people and the undesired negative effect on well-being that would be experienced by those who would have wanted to have children. Whilst this is by no means universal, it is fair to say that a good proportion of people feel a strong pull towards reproduction and having their lineage continue in some way. Samuel Scheffler describes the pull towards reproduction as a ‘desire for a personalized relationship with the future’ (Scheffler 2012, 31). Reproducing is a widely held desire and the joys of parenthood are ones that many people wish to experience. For these people knowing that they would not have descendants (or that their descendants will endure painful and/or premature deaths) could create a sense of despair and pointlessness of life. Furthermore, the inability to reproduce and have your own children because of a principle/policy that prevents you (either through bans or physical interventions) would be a significant infringement of what we consider to be a basic right to control what happens to your body. For these reasons, knowing that you will have no descendants could cause significant psychological traumas or harms even if there were no associated physical harm. The second is a more general, higher level sense of hopelessness or despair that there will be no more humans and that your projects will end with you. Even those who did not feel a strong desire to procreate themselves might feel a sense of hopelessness that any projects or goals they have for the future would not be fulfilled. Many of the projects and goals we work towards during our lifetime are also at least partly future-oriented. Why bother continuing the search for a cure for cancer if either it will not be found within humans’ lifetime, and/or there will be no future people to benefit from it once it is found? Similar projects and goals that might lose their meaning when confronted with extinction include politics, artistic pursuits and even the type of philosophical work with which this paper is concerned. Even more extreme, through the words of the character Theo Faron, P.D. James says in his novel The Children of Men that ‘without the hope of posterity for our race if not for ourselves, without the assurance that we being dead yet live, all pleasures of the mind and senses sometimes seem to me no more than pathetic and crumbling defences shored up against our ruins’ (James 2006, 9). Even if James’ claim is a bit hyperbolic and all pleasures would not actually be lost, I agree with Scheffler in finding it not implausible that the knowledge that extinction was coming and that there would be no more people would have at least a general depressive effect on people’s motivation and confidence in the value of and joy in their activities (Scheffler 2012, 43). Both sources of psychological harm are personal reasons to reject a principle that permitted human extinction. Existing people could therefore reasonably reject the principle for either of these reasons. Psychological pain and the inability to pursue your personal projects, goals, and aims, are all acceptable reasons for rejecting principles in the contractualist framework. So too are infringements of rights and entitlements that we accept as important for people’s lives. These psychological reasons, then, are also valid reasons to reject principles that permitted or required human extinction.

#### \*That is the only egalitarian metric---anything else collapses cooperation on collective action crises and makes extinction inevitable

Khan 18 (Risalat, activist and entrepreneur from Bangladesh passionate about addressing climate change, biodiversity loss, and other existential challenges. He was featured by The Guardian as one of the “young climate campaigners to watch” (2015). As a campaigner with the global civic movement Avaaz (2014-17), Risalat was part of a small core team that spearheaded the largest climate marches in history with a turnout of over 800,000 across 2,000 cities. After fighting for the Paris Agreement, Risalat led a campaign joined by over a million people to stop the Rampal coal plant in Bangladesh to protect the Sundarbans World Heritage forest, and elicited criticism of the plant from Crédit Agricolé through targeted advocacy. Currently, Risalat is pursuing an MPA in Environmental Science and Policy at Columbia University as a SIPA Environmental Fellow, “5 reasons why we need to start talking about existential risks,” https://www.weforum.org/agenda/2018/01/5-reasons-start-talking-existential-risks-extinction-moriori/)

Infinite future possibilities I find the story of the Moriori profound. It teaches me two lessons. Firstly, that human culture is far from immutable. That we can struggle against our baser instincts. That we can master them and rise to unprecedented challenges. Secondly, that even this does not make us masters of our own destiny. We can make visionary choices, but the future can still surprise us. This is a humbling realization. Because faced with an uncertain future, the only wise thing we can do is prepare for possibilities. Standing at the launch pad of the Fourth Industrial Revolution, the possibilities seem endless. They range from an era of abundance to the end of humanity, and everything in between. How do we navigate such a wide and divergent spectrum? I am an optimist. From my bubble of privilege, life feels like a rollercoaster ride full of ever more impressive wonders, even as I try to fight the many social injustices that still blight us. However, the accelerating pace of change amid uncertainty elicits one fundamental observation. Among the infinite future possibilities, only one outcome is truly irreversible: extinction. Concerns about extinction are often dismissed as apocalyptic alarmism. Sometimes, they are. But repeating that mankind is still here after 70 years of existential warning about nuclear warfare is a straw man argument. The fact that a 1000-year flood has not happened does not negate its possibility. And there have been far too many nuclear near-misses to rest easy. As the World Economic Forum’s Annual Meeting in Davos discusses how to create a shared future in a fractured world, here are five reasons why the possibility of existential risks should raise the stakes of conversation: 1. Extinction is the rule, not the exception More than 99.9% of all the species that ever existed are gone. Deep time is unfathomable to the human brain. But if one cares to take a tour of the billions of years of life’s history, we find a litany of forgotten species. And we have only discovered a mere fraction of the extinct species that once roamed the planet. In the speck of time since the first humans evolved, more than 99.9% of all the distinct human cultures that have ever existed are extinct. Each hunter-gatherer tribe had its own mythologies, traditions and norms. They wiped each other out, or coalesced into larger formations following the agricultural revolution. However, as major civilizations emerged, even those that reached incredible heights, such as the Egyptians and the Romans, eventually collapsed. It is only in the very recent past that we became a truly global civilization. Our interconnectedness continues to grow rapidly. “Stand or fall, we are the last civilization”, as Ricken Patel, the founder of the global civic movement Avaaz, put it. 2. Environmental pressures can drive extinction More than 15,000 scientists just issued a ‘warning to humanity’. They called on us to reduce our impact on the biosphere, 25 years after their first such appeal. The warning notes that we are far outstripping the capacity of our planet in all but one measure of ozone depletion, including emissions, biodiversity, freshwater availability and more. The scientists, not a crowd known to overstate facts, conclude: “soon it will be too late to shift course away from our failing trajectory, and time is running out”. In his 2005 book Collapse, Jared Diamond charts the history of past societies. He makes the case that overpopulation and resource use beyond the carrying capacity have often been important, if not the only, drivers of collapse. Even though we are making important incremental progress in battles such as climate change, we must still achieve tremendous step changes in our response to several major environmental crises. We must do this even while the world’s population continues to grow. These pressures are bound to exert great stress on our global civilization. 3. Superintelligence: unplanned obsolescence? Imagine a monkey society that foresaw the ascendance of humans. Fearing a loss of status and power, it decided to kill the proverbial Adam and Eve. It crafted the most ingenious plan it could: starve the humans by taking away all their bananas. Foolproof plan, right? This story describes the fundamental difficulty with superintelligence. A superintelligent being may always do something entirely different from what we, with our mere mortal intelligence, can foresee. In his 2014 book Superintelligence, Swedish philosopher Nick Bostrom presents the challenge in thought-provoking detail, and advises caution. Bostrom cites a survey of industry experts that projected a 50% chance of the development of artificial superintelligence by 2050, and a 90% chance by 2075. The latter date is within the life expectancy of many alive today. Visionaries like Stephen Hawking and Elon Musk have warned of the existential risks from artificial superintelligence. Their opposite camp includes Larry Page and Mark Zuckerberg. But on an issue that concerns the future of humanity, is it really wise to ignore the guy who explained the nature of space to us and another guy who just put a reusable rocket in it? 4. Technology: known knowns and unknown unknowns Many fundamentally disruptive technologies are coming of age, from bioengineering to quantum computing, 3-D printing, robotics, nanotechnology and more. Lord Martin Rees describes potential existential challenges from some of these technologies, such as a bioengineered pandemic, in his book Our Final Century. Imagine if North Korea, feeling secure in its isolation, could release a virulent strain of Ebola, engineered to be airborne. Would it do it? Would ISIS? Projecting decades forward, we will likely develop capabilities that are unthinkable even now. The unknown unknowns of our technological path are profoundly humbling. 5. 'The Trump Factor' Despite our scientific ingenuity, we are still a confused and confusing species. Think back to two years ago, and how you thought the world worked then. Has that not been upended by the election of Donald Trump as US President, and everything that has happened since? The mix of billions of messy humans will forever be unpredictable. When the combustible forces described above are added to this melee, we find ourselves on a tightrope. What choices must we now make now to create a shared future, in which we are not at perpetual risk of destroying ourselves? Common enemy to common cause Throughout history, we have rallied against the ‘other’. Tribes have overpowered tribes, empires have conquered rivals. Even today, our fiercest displays of unity typically happen at wartime. We give our lives for our motherland and defend nationalistic pride like a wounded lion. But like the early Morioris, we 21st-century citizens find ourselves on an increasingly unstable island. We may have a violent past, but we have no more dangerous enemy than ourselves. Our task is to find our own Nunuku’s Law. Our own shared contract, based on equity, would help us navigate safely. It would ensure a future that unleashes the full potential of our still-budding human civilization, in all its diversity. We cannot do this unless we are humbly grounded in the possibility of our own destruction. Survival is life’s primal instinct. In the absence of a common enemy, we must find common cause in survival. Our future may depend on whether we realize this.

### AT: Gillepsie

#### Semiotics aren’t fixed but are becoming, mediated by specific policies and histories – imagining black as the constitutive outside of the Symbolic does material violence

Penelope Ingram 8, Texas professor, "The Signifying Body, Making Metaphysics Matter" SUNY Press 2008 https://www.academia.edu/13005411/The'Signifying'Body'Making'Metaphysics'Matter

The texts I have chosen for this study include Neil Jordan’s The Crying Game, J. M. Coetzee’s Foe, Toni Morrison’s Paradise, and Don DeLillo’s The Body Artist. These texts all foreground issues of sexual and racial difference and disrupt received representations of sex and race. But importantly these texts, though they differ in form, media, and genre, provide us with models, expressions, of Being that defy representation. In their new language of physical signification, these beings experience authentic Beingin-the-world in and through their ethical relation with an Other. If, as Irigaray and Fanon warn, ethics cannot be achieved without a recognition of difference at the ontological level and, as Heidegger makes clear, ontology cannot be thought within a representational framework because such a framework requires a grounding, these texts offer examples of ontological becomings that are produced in difference. Furthermore, they illustrate a necessary relation between ontology and ethics. All of these texts demonstrate how identity formation is always a foreclosing of other potential subjectivities. Identity formation both relies on and secures a representational economy and the metaphysics of presence that that economy employs. The Crying Game, Foe, Paradise, and The Body Artist highlight the connection between identity and representation, and at the same time make visible the exclusion that these depend on by revealing a realm beyond representational limits—difference and signification. Each text reveals how any attempt to fix identity in the representational frame of the Symbolic always enacts a violence at a material level, a foreclosure of the potential for Being-in-the-world. These texts challenge the idea that abjected bodies remain part of a representational economy as its constitutive outside ; rather, they demonstrate how these other bodies participate in an alterior form of signification, beyond identity, beyond the Symbolic Order. Furthermore, they reveal how these alternate material possibilities open these bodies to authentic Being-in-the-world, which is expressed in and through an ethical relation with the Other. The Crying Game, Foe, Paradise, and The Body Artist force us to ask us what specific conditions give rise to certain representations. How is subjectivity different depending on the political, social, historic environment that brings it into being, or to use Heidegger’s term, into which that being is “thrown?” But, finally, these signifying bodies reveal that ontological becoming and the ethical relation are inseparable and that both depend on a new relation between language and the world. The artistic text is crucial to such an investigation of ontology and ethics because it is only in the work of art, Heidegger argues, that we can find a model for the kind of language we seek at the “end of philosophy.” Fanon’s study of the Antillean’s identity formation demonstrates clearly that identification and subject formation are not processes that happen independently of culture, economics, or history, but in fact are produced in and through the specific orientation that the subject experiences in relation to these modes of power. Thus one’s experience of subjectivity in a colonial situation is different for the colonizing subject of the metropole and the colonized subject of the colony. But what is common to both is that each subject has to conform to a representation/identification already in place, already determined by that specific nexus of power relations and the subject’s place within it. Texts like Foe make visible the operation of subject formation in a colonial economy. Foe demonstrates how other subjectivities—subjectivities in difference beyond a representational paradigm, beyond the strictures demanded by the colonial apparatus—exist and can disrupt internally those very workings. Foe shows that once other significations, other ways of Being-in-the-world, are opened, then an ethics of sexual and racial difference can occur. Such a relation takes place, on a Heideggerian model, through a revealing—where the subject who is living the full complement of its potential material significations opens itself to an Other and leads her/him into an ethical relation. It demonstrates how authentic Being-in-the-world is glimpsed through encountering the Other as Other in the ethical relation.

### World Better---2AC

#### \*\*\*\*The world’s getting better by every metric

--poverty is declining rapidly post-Industrial revolution

--other metrics are positive: health, education, moral expansion

--tech innovation is increasing

--we’re cognitively biased toward belief in collapse

Dr. Toby Ord 20, Senior Research Fellow in Philosophy at Oxford University, DPhil in Philosophy from the University of Oxford, The Precipice: Existential Risk and the Future of Humanity, p. 17-19

Yet despite these real problems, on average human life today is substantially better than at any previous time. The most striking change may be in breaking free from poverty. Until 200 years ago—the last thousandth of our history25—increases in humanity’s power and prosperity came hand in hand with increases in the human population. Income per person stayed almost unchanged: a little above subsistence in times of plenty; a little below in times of need.26 The Industrial Revolution broke this rule, allowing income to grow faster than population and ushering in an unprecedented rise in prosperity that continues to this day.

We often think of economic growth from the perspective of a society that is already affluent, where it is not immediately clear if further growth even improves our lives. But the most remarkable effects of economic growth have been for the poorest people. In today’s world, one out of ten people are so poor that they live on less than two dollars per day—a widely used threshold for “extreme poverty.” That so many have so little is among the greatest problems of our time, and has been a major focus of my life. It is shocking then to look further back and see that prior to the Industrial Revolution 19 out of 20 people lived on less than two dollars a day (even adjusting for inflation and purchasing power). Until the Industrial Revolution, any prosperity was confined to a tiny elite with extreme poverty the norm. But over the last two centuries more and more people have broken free from extreme poverty, and are now doing so more quickly than at any earlier time.27 Two dollars a day is far from prosperity, and these statistics can be of little comfort to those who are still in the grip of poverty, but the trends toward improvement are clear.

And it is not only in terms of material conditions that life has improved. Consider education and health. Universal schooling has produced dramatic improvements in education. Before the Industrial Revolution, just one in ten of the world’s people could read and write; now more than eight in ten can do so.28 For the 10,000 years since the Agricultural Revolution, life expectancy had hovered between 20 and 30 years. It has now more than doubled, to 72 years.29 And like literacy, these gains have been felt across the world. In 1800 the highest life expectancy of any country was a mere 43 years, in Iceland. Now every single country has a life expectancy above 50.30 The industrial period has seen all of humanity become more prosperous, educated and long-lived than ever before. But we should not succumb to complacency in the face of this astonishing progress. That we have achieved so much, and so quickly, should inspire us to address the suffering and injustices that remain.

We have also seen substantial improvements in our moral thinking.31 One of the clearest trends is toward the gradual expansion of the moral community, with the recognition of the rights of women, children, the poor, foreigners and ethnic or religious minorities. We have also seen a marked shift away from violence as a morally acceptable part of society.32 And in the last sixty years we have added the environment and the welfare of animals to our standard picture of morality. These social changes did not come naturally with prosperity. They were secured by reformers and activists, motivated by the belief that we can—and must—improve. We still have far to go before we are living up to these new ideals, and our progress can be painfully slow, but looking back even just one or two centuries shows how far we have come.

Of course, there have been many setbacks and exceptions. The path has been tumultuous, things have often become better in some ways while worse in others, and there is certainly a danger of choosing selectively from history to create a simple narrative of improvement from a barbarous past to a glorious present. Yet at the largest scales of human history, where we see not the rise and fall of each empire, but the changing face of human civilization across the entire globe, the trends toward progress are clear.33

It can be hard to believe such trends, when it so often feels like everything is collapsing around us. In part this skepticism comes from our everyday experience of our own lives or communities over a timespan of years—a scale where downs are almost as likely as ups. It might also come from our tendency to focus more on bad news than good and on threats rather than opportunities: heuristics that are useful for directing our actions, but which misfire when attempting to objectively assess the balance of bad and good.34 When we try to overcome these distortions, looking for global indicators of the quality of our lives that are as objective as possible, it is very difficult to avoid seeing significant improvement from century to century.

And these trends should not surprise us. Every day we are the beneficiaries of uncountable innovations made by people over hundreds of thousands of years. Innovations in technology, mathematics, language, institutions, culture, art; the ideas of the hundred billion people who came before us, and shaped almost every facet of the modern world.35 This is a stunning inheritance. No wonder, then, that our lives are better for it.

### Perm – 2AC

#### Perm do both is best—reject their false choice, critique alone is too reductive.

Alex Zamalin 19, Director of African American studies and Assistant Professor of Political Science at University of Detroit-Mercy, Black Utopia: The History of an Idea from Black Nationalism to Afrofuturism, 137-144

Over the past several decades, utopian imaginings have largely been abandoned. Contemporary observers may still tolerate the cultural consumption of utopian science fiction and fantasy literature, but they shudder at the thought of realizing political utopia. On some level, this concern has a sound intellectual basis. It is difficult to fully disentangle the dream of communist equality from Stalinist Russia's repressiveness, industrial advancement from the Nazi mechanized slaughter of Jews, unlimited nuclear energy from nuclear war, an end to disease from eugenics. And black antiutopians themselves raised concerns about these dangerous affinities. Freedom can morph into totalitarianism, equality can expunge dissent, perfection can't tolerate imperfection, human triumph masks human finitude. In doing this they dramatized what the philosopher Karl Popper declared: utopia's fruit was nothing but dictatorship, for the idea of realizing an ideal state meant subsuming the good of the whole to the vision of the few. As he put it, "The Utopian attempt to realize an ideal state, using a blueprint of society as a whole, is one which demands a strong centralized rule of a few, and which is therefore likely to lead to a dictatorship."1 According to this view, if utopia is for dreamers, better it stay that way. For dreams can quickly change into nightmares from which one cannot awaken. Utopia should be abandoned in the dustbin of the violent twentieth century.' Summarizing this view as the prevailing orthodoxy of the present, the intellectual historian Russell Jacoby says, "A utopian spirit-a sense that the future could transcend the present-has vanished .... The belief is stone dead .... There are no alternatives. This is the wisdom of our times, an age of political exhaustion and retreat."3 But antiutopian skepticism about realizing political utopias shouldn't have a chilling effect on extrapolating a lively political imagination from utopia's language, landscapes, licenses, losses, inventions, and parables. If utopia were a city, it would be wrong to miss its dwellings for the skyline.4 In a highly synoptic, even if provocative, account of utopia, the political theorist Judith Shklar, made this error, wrongly putting it in a straightjacket, arguing that utopia was nothing but the "moralist's artifact," which assumed a singular truth. As she put it, "utopia ... is of necessity a changeless harmonious whole, in which a shared recognition of truth unites all citizens .... In utopia, there cannot by definition, be any room for eccentricity."5 But Shklar's zeal to systematize the hidden truth behind, and organizing intellectual kernel within utopia made her blind to its eccentric ideas. Her desire to so fully understand utopia on the terms of its truest believers and its most devout citizens precluded her from seeing how utopia could become an important guide for expanding political thought in the here and now. If utopians are dreamers, then their dreams should be analyzed as such. What Freud taught us through his psychoanalytic model is applicable here: dreams must be understood for the associations their elements conjure in the dreamer.6 For this perspective, utopia offers practical guidance for the present, especially if we appreciate what the American anarchist Emma Goldman said long ago: "practical" is not something that fits into the world as it is but what eliminates all that is cancerous.7 Recreating a utopian world in its entirety without any modification is certainly a mistake. But utopian visions and antiutopian critiques can invigorate our democracy-make it more representative of popular interest, more free and egalitarian, less violent and exploitative.8 To make our world a place in which we would like to live, work, love, and create. A world that has a future with a horizon, riot only a past with a long shadow. This means retaining democratic horizons while abandoning its darkness. It means imagining new utopias but deconstructing their unseen assumptions, unexamined logics, closed corridors, and unknown unknowns. Or, to put it in the words of the philosopher Paul Tillich, "What is important is ... the idea of utopia that overcomes utopia in its untruth and sustains it in its truth .... It is the spirit of utopia that conquers utopia."9 Reclaiming this spirit means not simply, in the words of Jurgen Habermas, adopting better "norms," which can improve the "facts" that organize contemporary liberal juridical democracies, founded in the rule of law,'? It means instead expanding and complicating the meaning of and relationship between value and law in ways that test the basic presumptions of political organization. Energizing contemporary freedom struggles and imagining the impossible require combining the most productive elements of black utopian imagination and antiutopian critique, rather than accepting the false choice between them. It means reclaiming the sense of freedom without dehumanization and accepting the idea of perfectibility without fundamentalism. It means embracing radical equality and resisting gender and sexual domination. And it means taking seriously radical hope in the face of the unknown without messianic deliverance. Moreover, elite rule must be rejected in favor of popular rule, which needs to be subject to constant scrutiny and revision. Instrumental and technocratic rationality-the automated rule of numbers, statistics, and algorithms-needs to be abandoned in favor of an ethical horizon, which treats citizens as ends deserving of dignity and reclaims the importance of fallibility and experimentation in politics. There is ethical value in a deconstructive ethos that exposes the contradictions and obfuscations of power, but it must exist with a normative horizon from which to make political judgments about justice and liberation. To this end, truthfulness and greater collective understanding cannot be entirely discarded. But truth and knowledge need to both be understood as informed by power. More specifically, however, black utopian and antiutopian work chastens contemporary American faith in post-racialism that good intentions and better laws could solve the problem of racism, as if it can be remedied through better civic education or harsher penalties for bad deeds. Their work teaches that race thoroughly saturates self-understanding, and that racism requires forgetting the freedom of intimacy and creativity, while enshrining as natural law emotional disconnection and a sense of invulnerability. One cannot see past race because race makes what appears visible. Racism promotes the fantasy that we could avoid the risks of social relationships and the anxiety of worldly impermanence.11 From black utopians and antiutopians, we also learn that irreverence toward the boundaries of communities and identities, which can never be fully stabilized, is essential.12 Loss does productive emancipatory work in a community founded on the capacity for change and flexibility." Arguments about postracialism describe it as either fact (racism no longer governs human life after the victories of the civil rights movement and the election of Barack Obama) or an aspiration rooted in colorblindness (where race is not treated as a salient variable in allocating social resources). Postracialism in black utopia is something else: it is a postracist condition countering the logic of racism-its power binaries, languages, ways of being and organizing collectively. Failure to appreciate the comic dimension of fetishizing and commodifying white and black skin is deadly. From black utopia we also learn that human attachment is much too unwieldy a force and its desires are too disruptive to make the rigid boundaries of race possible. Delinking desire from social scripts makes it more complex in ways that allow for pluralistic expression. Black utopians and antiutopians further teach that imagining an emancipatory future requires unmooring crisis from its reactionary formulations. Crucial is it to remember that crises usually benefit political elites and entrench existing inequalities by creating a condition in which repression becomes a tactic for assuaging popular fears.14 But crises ignite opportunities for more revelatory ways of seeing.15 Interruptions can provide the freedom that they seem to threaten, leading to unexpected changes. Loss gives life, while finitude brings clarity. From this vantage point, pessimistic feelings should be separated from despair about realizing certain goals, but benevolent intentions must be deconstructed in the process.16 Self-ascribed virtues sometimes have lethal costs. There is a logical dark side of the political realism that some believe only promotes competition over competing desires." Pluralism and democratic conversation are difficult to maintain when one is blind to the way they replicate ideas of the dominant group. From black utopia we also learn that optimism is not the inevitability of progress but the potential for a more free existence. Freedom must be reconstructed as an opening up of oneself to oneself and, by extension, to the world. Freedom can become a new way of acquiring relationships of fulfillment and agency, of dispensing with fantasies of control and order. Creative discovery of oneself, an opening up of what one didn’t know they knew, challenges absolute self-certainty. Only by acting, engaging one-self direct, could one know who they were and what they wanted. This means appreciating the opacity and fleetingness of agency. Freedom is terrifying and beautiful. Its terror can lead to the valorization of arbitrary authority, but its beauty can lead to greater equality. Black utopian and antiutopian thought further provides lessons for how citizens can cultivate collective power. Violence should be treated with skepticism in achieving political liberation. There is greater value in cultivating an open-ended popular pragmatic politics.19 Communities become destructive when stabilized, when blood and shared history become barometers for inclusion, when one can no longer recognize its ever-changing forms. Antidemocratic conditions of a perfect society-the degradation of women, the instrumentalist logic of unfettered capitalism, the dismissal of creativity for its own sake-threaten the elevation of those who need it most. Liberation's meaning needs to be recast through the needs of the oppressed, rather than the universalism professed by the powerful. From this perspective, we see why intellectual and political decolonization should become the testing ground for freedom. The lives of the neglected and exploited become the measure for equality. Sustaining the spirit of black utopia is vital for confronting our contemporary global moment. The election of Donald Trump in the United States and the rise of right-wing movements in Europe threaten the vulnerable fabric of democracy in both its liberal and its more socialist iterations. A rise in xenophobia, ethnonationalism, the closing of borders, and the demonization of refugees and Muslims-compounded with a resurgent embrace of economic deregulation, aggressive climate-change denial, and militarization-destroys the possibility for a critical civic society and brings terror to people's everyday lives. This is especially the case for people of color who are most vulnerable in a world still defined by global white supremacy. To make matters worse, the denigration of truth, art, and scientific inquiry and political dissent coexists with a set of Orwellian inversions, which equate national security with mass surveillance and suggest that dissent and freedom require exclusions. Elements of the mainstream political left seem stunted. Too wedded to a prevailing common sense, they are unable, or unwilling, to confront this. They are debilitated by a nostalgic vision of opposition. They defend free-market privatization, enmesh themselves in dreams of patriotic liberal exceptionalism, and pine for common ground with reactionary forces where none exists. We are repeatedly told that political institutions need gradual reforms and that the free market needs support-perhaps only the occasional helping hand. Or that racial injustice too-police brutality, massive incarceration, and segregation toward black people-will improve over time. But unrevised in this mode of opposition and uncritical hope in progress are the basic assumptions about political imagination. Our contemporary moment is rife with uncertainty. But if the burgeoning resistance movements against authoritarianism, misogyny, racism, and economic inequality are any indication, popular egalitarian movements will have a powerful voice in what comes in and of the future. Our dystopian postdemocratic political moment requires imaginative thoughts. We need more rather than fewer utopian ideas about radical democracy and social freedom, more rather than fewer antiutopian critiques of American faith in free-market utopianism, religious fundamen¬talism, technological determinism, and racial progress. Black utopia can add to this chorus trying to generate them.

### AT: Extinction Link

#### Their extinction link is the worst form of paternalism and whitewashes nuclear war---extinction would be anti-black.

Nicole Akoukou **Thompson 18**. Chicago-based creative writer. 4-6-2018. "Why I will not allow the fear of a nuclear attack to be white-washed." RaceBaitR. http://racebaitr.com/2018/04/06/2087/#

I couldn’t spare empathy for a white woman whose biggest fear was something that hadn’t happened yet and might not. Meanwhile, my most significant fears were in motion: women and men dying in cells after being wrongly imprisoned, choked out for peddling cigarettes, or shot to death during ‘routine’ traffic stops. I twitch when my partner is late, worried that a cantankerous cop has brutalized or shot him because he wouldn’t prostrate himself. As a woman of color, I am aware of the multiple types of violence that threaten me currently—not theoretically. Street harassment, excessively affecting me as a Black woman, has blindsided me since I was eleven. A premature body meant being catcalled before I’d discussed the birds and the bees. It meant being followed, whistled at, or groped. As an adult, while navigating through neighborhoods with extinguished street lights, I noticed the correlation between women’s safety and street lighting—as well as the fact that Black and brown neighborhoods were never as brightly lit as those with a more significant white population. I move quickly through those unlit spaces, never comforted by the inevitable whirl of red and blue sirens. In fact, it’s always been the contrary. Ever so often, cops approach me in their vehicle’s encouraging me to “Hurry along,” “Stay on the sidewalk,” or “Have a good night.” My spine stiffening, I never believed they endorsed my safety. Instead, I worried that I’d be accused of an unnamed accusation, corned by a cop who preys on Black women, or worse. A majority of my 50-minute bus ride from the southside of Chicago to the north to join these women for the birthday celebration was spent reading articles about citywide shootings. I began with a Chicago Tribute piece titled “33 people shot, seven fatally, in 13 hours,” then toppled into a barrage of RIP posts on Facebook and ended with angry posts about police brutality on Tumblr. You might guess, by the time I arrived to dinner I wasn’t in the mood for the “I can’t believe we’re all going to die because Trump is an idiot” shit. I shook my head, willing the meal to be over, and was grateful when the check arrived just as someone was asking me about my hair. My thinking wasn’t all too different from Michael Harriot’s ‘Why Black America Isn’t Worried About the Upcoming Nuclear Holocaust.” While the meal was partly pleasant, I departed thinking, “fear of nuclear demolition is just some white shit.” Sadly, that thought would not last long. I still vibe with Harriot’s statement, “Black people have lived under the specter of having our existence erased on a white man’s whim since we stepped onto the shore at Jamestown Landing.” However, a friend—a Black friend—ignited my nuclear paranoia by sharing theories about when it might happen and who faced the greatest threat. In an attempt to ease my friend’s fear, I leaned in to listen but accidentally toppled down the rabbit hole too. I forked through curated news feeds. I sifted through “fake news,” “actual news,” and foreign news sources. Suddenly, an idea took root: nuclear strike would disproportionately impact Black people, brown people, and low-income individuals. North Korea won’t target the plain sight racists of Portland, Oregon, the violently microaggressive liberals of the rural Northwest, or the white-hooded klansmen of Diamondhead, Mississippi. No, under the instruction of the supreme leader Kim Jong-un, North Korea will likely strike densely populated urban areas, such as Los Angeles, Chicago, Washington D.C., and New York City. These locations stand-out as targets for a nuclear strike because they are densely populated U.S. population centers. Attacking the heart of the nation or populous cities would translate to more casualties. With that in mind, it’s not lost on me that the most populous cities in the United States boast sizeable diverse populations, or more plainly put: Black populations. This shit stresses me out! There’s a creeping chill that follows me, a silent alarm that rings each time my Google alert chimes letting me know that Donald Trump has yet again provoked Kim Jong-Un, a man who allegedly killed his very own uncle. I’ve grown so pressed by the idea of nuclear holocaust that my partner and I started gathering non-perishables, candlesticks, a hand-crank radio, and other must-buy items that can be banked in a shopping cart. The practice of preparing for a nuclear holocaust sometimes feels comical, particularly when acknowledging that there has long been a war on Black people in this country. Blackness is bittersweet in flavor. We are blessed with the melanized skin, the MacGyver-like inventiveness of our foremothers, and our blinding brightness—but the anti-blackness that we experience is also blinding as well as stifling. We are stuck by rigged systems, punished with the prison industrial complex, housing discrimination, pay discrimination, and worse. We get side-eyes from strangers when we’re “loitering,” and the police will pull us over for driving “too fast” in a residential neighborhood. We get murdered for holding cell phones while standing in our grandmother’s backyard. The racism that strung up our ancestors, kept them sequestered to the back of the bus and kept them in separate and unequal schools still lives. It lives, and it’s more palpable than dormant. To me, this means one thing: Trump’s America isn’t an unfortunate circumstance, it’s a homecoming event that’s hundreds of years in the making, no matter how many times my white friends’ say, “He’s not my president.” In light of this homecoming, we now flirt with a new, larger fear of a Black genocide. America has always worked towards Black eradication through a steady stream of life-threatening inequality, but nuclear war on American soil would be swift. And for this reason I’ve grown tired of whiteness being at the center of the nuclear conversation. The race-neutral approach to the dialogue, and a tendency to continue to promote the idea that missiles will land in suburban and rural backyards, instead of inner-city playgrounds, is false. “The Day After,” the iconic, highest-rated television film in history, aired November 20, 1983. More than 100 million people tuned in to watch a film postulating a war between the Soviet Union and the United States. The film, which would go on to affect President Ronald Reagan and policymakers’ nuclear intentions, shows the “true effects of nuclear war on average American citizens.” The Soviet-targeted areas featured in the film include Higginsville, Kansas City, Sedalia, Missouri, as well as El Dorado Springs, Missouri. They depict the destruction of the central United States, and viewers watch as full-scale nuclear war transforms middle America into a burned wasteland. Yet unsurprisingly, the devastation from the attack is completely white-washed, leaving out the more likely victims which are the more densely populated (Black) areas. Death tolls would be high for white populations, yes, but large-scale losses of Black and brown folks would outpace that number, due to placement and poverty. That number would be pushed higher by limited access to premium health care, wealth, and resources. The effects of radiation sickness, burns, compounded injuries, and malnutrition would throttle Black and brown communities and would mark us for generations. It’s for that reason that we have to do more to foster disaster preparedness among Black people where we can. Black people deserve the space to explore nuclear unease, even if we have competing threats, anxieties, and worries. Jacqui Patterson, Director of the Environmental and Climate Justice Initiative, once stated: African American communities are disproportionately vulnerable to and impacted by natural (and unnatural) catastrophes. Our socio-economic vulnerability is based on multiple factors including our lack of wealth to cushion us, our disproportionate representation in lower quality housing stock, and our relative lack of mobility, etc.

### AT: Human Rights Link

#### Their K of imperialism is too sweeping. It causes people to view everything as imperialism or anti-imperialism which leads to tactic acceptance of dictators and humanitarian crisis. Syria proves our arguments. (long)

Sam Hamad 15, Scottish Egyptian writer and commentator on the Arab Spring and the Syrian Revolution, 8-2-2015, "Anti-Anti-Imperialism," TUMBLEWEED, https://herecomesthetumbleweed.wordpress.com/2015/08/02/anti-anti-imperialism/

Those of us who concern ourselves with the Syrian revolutionary war will be more than familiar with the old line, almost solely repeated by leftists and self-proclaimed anti-imperialists, that they simply just can’t support the Syrian rebels because they’re ‘supported by imperialism’. In its even more crude and directly antagonistic form, the narrative is that the rebels are ‘proxies of imperialism’ or stooges of forces that are deemed to be in the wrong ‘camp’, such as Saudi Arabia, Turkey and Qatar. The logic of this is inherently irrational and/or downright perfidious. Firstly, it’s usually wielded not as any kind of genuinely analytical point, but rather merely as a means to deny support for and even just interest in the Syrian rebels and the revolution in general. It’s a position shaped by counter-revolution, Eurocentrism and isolationism rather than any form of progressivism. In different circumstances, this intercedes with sectarianism, different forms of chauvinisms and Islamophobia, which is apparently rendered acceptable within the remit of this kind of ‘anti-imperialism’ and the context of Syria. Secondly, it is qualitatively and quantitatively misleading and, in certain circumstances, meaningless as a description of the kind of support the rebel forces have received from countries deemed to be ‘imperialist’ over the course of the Syrian revolutionary war. While it’s completely true that certain rebel brigades have received weaponry from countries like the US, the actual function of the US has been an arbiter of what the rebels can and cannot receive from other countries, namely Saudi Arabia, Qatar and Libya. For example, as has been well established, the US currently enforces an embargo on rebel forces receiving anti-aircraft MANPADS. These weapons could be used to overcome Assad’s air force (as they did with Gaddafi’s in Libya), which apart from being the main means used by the regime to terrorise civilian areas thus creating the massive refugee problem, has consistently given the regime the upper hand on the battlefield. However, in the mind of the US, they could in other circumstances also be turned against its regional allies, namely Israel. But all of this obscures the fact that the vast majority of Syrian rebels have not been armed by ‘imperialism’ in any way, shape or form. At the moment when Barack Obama began to fully concentrate US attention on the rise of Daesh he was accused by some of indirectly facilitating this by failing to arm ‘moderate’ rebels. The accusations were correct – the US watched as Daesh overran the poorly-equipped rebel positions, doing literally nothing when the rebels launched an offensive against them that wielded successes until the over-stretched rebels were caught out by the Assad regime when its forces, backed by Hezbollah and Iranian-funded ultra-sectarian Shiite militias like Badr and Asayib Ahl al-Haq took Yabroud. Obama, consummately slippery as ever when evading questions of principle and accountability, rebutted the idea that the US hadn’t supported the rebels enough by deriding the idea that the rebels could ever be a legitimate fighting force capable of stopping Daesh, famously dismissing them as ‘farmers and pharmacists’. In a sense, the president was not wrong. The rebels are mostly comprised of civilian volunteers who took up arms following the regime’s militarised attempts to crush the civil uprising, while the core contains tens of thousands of defected Syrian Arab Army (SAA) soldiers. The vast majority of the weaponry these forces use is that which the defectors managed to bring with them from the SAA and that which has been taken on the battlefield or as a result of raids on military bases. I remember speaking to a friend who has fought with a Free Syrian Army brigade in and around the Damascus area. We got onto the subject of how the revolution was perceived in the west among ‘my friends’, by which he meant fellow leftists. I told him that many of them were convinced that people like him were proxies of imperialism and were being armed by imperialist forces – inshallah, came the partially sarcastic reply. And this brings me on to the next point. What exactly would be the problem with Syrian rebels receiving weapons from ‘imperialism’? The only people who find it problematic are people for whom sourcing weaponry will never be a problem. That might sound a cheap point to make, but it is nevertheless a cheap point worth making. For many people, ‘imperialism’ is a word they so often use but rarely ever comprehend its meaning in practice in contexts beyond either hysterical, facile denunciations and sloganeering or often equally as facile academic detachment. What’s being protested here is not ‘imperialism’ at all, but rather a hyper-simplistic worldview in which everything exists in permanent abstraction related to dogma and the solace from confusion that people take in such dogmas. Along with this is the little industries, opportunities and lucrative peer groups associated with the ‘leftist’ subculture that allows for a very narrow spectrum of disagreement on a range of subjects relating to ‘imperialism’, with Syria only being one that is of relatively minor importance to them (ignorance prevails), but wherein everything from the successful NATO no-fly zone in Libya to less than 500 rebels receiving Colt .45 pistols and binoculars is rolled together with the US-UK invasion and occupation of Iraq. In these circumstances, given the complex nature of global competition and interplay between nation states and different hegemonic actors, the tendency is not for a new era of theorisation on the subject of imperialism based on actual struggles taking place within these contexts, but rather a retreat into either the aforementioned dogmatic conservatism and/or absurd, reactionary conspiracy theories. Russia T

oday and Press TV are made to look reasonable. Propaganda is served up as an antidote to perceived propaganda (we have Mr Bush and Blair and their non-existent Iraqi Weapons of Mass Destruction to thank for that). Within these contexts, the Syrian liberation struggle can only be subordinated to these dastardly deeds. In addition this, bogus historical analogies, usually the Taliban’s takeover of Afghanistan (an event that the left have steeped in so much confused mythology that it’s one of those areas of history that has just been colonised by fiction), are pulled out of dark, smelly cavernous places to further enunciate the idea that the Syrian opposition’s relations with ‘imperialists’ are part of some grand nefarious plot. It transforms necessity into a political relation that simply doesn’t exist or make sense in material terms. My argument since the revolutionary war began has been that the rebels would actively require seeking arms from wherever they can. Given that there is no and never has been an anti-imperialist bloc, but rather just competing imperialist and hegemonic regional blocs, this meant that the Syrian opposition was forced to look towards the western states, those who could, if they liked, provide the very best weapons in the highest quantities. So what does ‘necessity’ mean in this context? There’s a very good example if we can briefly compare the differences in the quality and quantity of aid received by the rebels and the regime. The Syrian rebels, who had to start from scratch — they had an extremely limited amount of heavy weapons, no heavy vehicles, no coherent command structures, a very limited amount of communications equipment — have received approximately $3 billion in aid from Qatar from 2012-2013, with Saudi Arabia providing inconsistent shipments of mostly light weaponry since late 2012. On the other hand, the Assad regime’s forces, which were already part of a functional state — with massive weapons stockpiles (including chemical and biological ones), thousands of tanks and armoured vehicles, a brutally efficient airforce, clear and well-run command structures and state-of-the-art communication equipment — have received $15 billion worth of financial and military aid from Iran in the year of 2013-2014 alone. This figure which doesn’t even take into account the physical intervention of Iranian forces, whether it’s through it’s own Revolutionary Guards and Basij militia, or its various proxy militias from Iraq and mercenaries from Afghanistan and South Asia, not including Hezbollah, another Iranian-funded outfit that has invaded Syria. It’s important to note here that Iran’s intervention in Syria began in the very first few months of the revolution, before a single arm was raised against regime forces, and has escalated and escalated ever since. This is the level of the disjuncture here – relatively speaking, there has been a tiny amount of aid from the ‘Friends of Syria’ to the Syrian rebels. We know already what the Gulf states can do when they put their minds to it. We’ve already seen it in the context of the Arab spring, such as the Peninsula Shield Force’s (the joint military force of the GCC) brief counter-revolutionary intervention on behalf of the Bahraini regime, as well as Al-Saud’s current large-scale brutal intervention against Ansar Allah in Yemen. Moreover, in Iraq and Syria, bombs and missiles from Saudi, Qatari and Emirati planes are currently dropping on Daesh positions, sharing the same airspace as Assad’s airforce, which remains untouched, while his ground forces continue with their brutal business safe in the knowledge that there will never be any airstrikes against them. To tip irony to its breaking point, the GCC involvement in the US-led coalition’s intervention in Syria and Iraq is actually on behalf of one of Assad’s major allies, namely the sectarian Iraqi regime. Not only do Iran-run and funded militias lead the counter-insurgency on the ground, benefitting from Gulf airstrikes, but without the continued rule of the Islamic Dawa Party in Iraq, Iran would never have been able to launch its intervention on behalf of the Assad regime. Friends of Syria? They have a funny way of showing it. The very minute that GCC and US planes begin to strike Baathist targets, we might be able to talk about Gulf or ‘western’ support for the rebels in the same terms as Iranian support for Assad with a straight face. I think it’s safe to assume that this moment will never come. The only true upper hand the rebels have had in the war is [person-power] ~~manpower~~, which dispels yet another one of the narratives adopted by some of the anti-imperialist left – that the problem in Syria is that the Assad regime actually has a massively popular basis, while the revolution has ran out of steam. This has actually never been true, but even if it were, while it would be an important analytical point, it wouldn’t invalidate the cause of those forces who want to overthrow the criminal Baathist tyranny. But, to reiterate, the opposite is true. The revolutionaries are not running out of locals willing to fight for the freedom of their communities and country, while Assad’s manpower problem is reaching such a point of crisis that he even took the majorly unprecedented step of recently mentioning it in a public speech, during which, in reference to the increase in Iranian military forces and foreign jihadist militias, he declared that ‘Syria isn’t for those with a Syrian identity or passport, but those who defend it’. As fate would have it, the rebels have an abundance of manpower with extremely scarce resources, while the regime has an abundance of resources with extremely scarce manpower. It is completely true that the rise of Daesh served to solidify the regime’s base (not in an uncomplicated manner; hence the dissension among Alawites), but given the sectarian structure of the Baathist security state, it was always going to be the case that the crumbling of these things would largely depend on the revolution penetrating the Alawite minority. This has quite obviously failed to occur – it is precisely why a civil war erupted. But to those who make the claim that the majority of Assad’s forces and supporters are Sunni Syrians, completely skates over the obvious sectarian and communitarian basis of the NDF, which does most of the fighting, with the much-reduced SAA, comprising ultra-loyal Alawite-led brigades (often literally commanded by members of the Assad dynasty) taking on the role of a supplementary force. The true extent of this gulf in manpower can best be discerned in two ways: 1) The fact that Assad has had to demobilise 2/3rds of the Alawite-led but mostly Sunni SAA, instead relying on ultra-loyal divisions often commanded by cousins and cronies, while he’s also employed a tactic first perfected by his father Hafez al-Assad during the last protracted period of state slaughter by the Assad regime, the crushing of the Ikhwan-led insurgency in the 1970s and early 1980s, where ultra-loyal brigades and commanders were attached to regular army forces, largely comprised of Sunnis, supplemented by shabiha death squads. This allowed defections to be kept to a minimum. However, during a popular revolution involving a ‘counter-insurgency’ strategy that requires ethnic cleansing of Sunnis and the mass killing of civilians, the rot can only be stopped to a certain point – in the early days of the war, when Assad used a larger portion of the SAA, there was a wave of defections (which led to the creation of the Free Syrian Army in 2012), so he has had to demobilise most of it. Instead of merely utilising shabiha forces, Assad was forced to take the unprecedented step of allowing Iran to create and train a super-shabiha known as the National Defence Forces (NDF), which was basically set up as an alternative to the severely impaired SAA, and which was built on an entirely sectarian and communitarian basis. But even now, those few Sunni brigades that were utilised have been racked by defections and desertions, while the pool of conscripts has dried up to the point of non-existence, with widespread draft-dodging. Most worryingly for Assad, this dissension is also becoming commonplace among Alawites, who are his only solid base. 2) In 2014, after the rise of Daesh and the fracturing of the Free Army due to internal divisions caused by lack of resources and factional infighting, the rebels were in complete disarray. The Assad regime was very much on the offensive – Baathist, Iranian regime and Hezbollah mouthpieces all declared the war to be won, while there was celebration among a few pro-Assad leftists that the regime had seemingly triumphed over ‘the terrorists’ (never let these people criticise ‘neocons’ again), as well as celebrating Assad’s ‘election’ triumph. While everybody was focussing on regime victories in places like Homs, they should’ve been looking at the nature of the victories. They were far from total. The limited manpower of the regime and its reliance on foreign fighters meant that these victories were only ever going to be limited to key areas – there was no victory at all. No breakthroughs. Just temporary shifts in stalemates in different theatres of war. This period of alleged ascendency for the Assad regime should’ve been notable for the fact that when the rebels were at their lowest moment, having to contend with a lesser but still deadly fascism in the form of Daesh as well as the regime, the regime failed to make any major capitalisations. The reason for this is simple – it’s because it did not have the manpower or popular support to do so. For the Assad regime to retake all of Syria, it would most likely involve a massive land invasion of the country by the Iranian Armed Forces and its proxy militias. This, of course, won’t ever happen. Nowhere can this better be seen in Free Aleppo, where the regime, backed up by the foreign invasion forces of the Iranian Revolutionary Guards, Hezbollah, the sectarian head-drillers of Asayib Ahl al-Haq and various mercenary forces, not only failed to capture the jewel in the revolution’s crown, but prompted a successful rebel counter-offensive. Indeed, immediately following the regime’s self-proclaimed ‘victory’, the rebels began a new tactic of forming joint operations rooms, bringing together often ideologically disparate forces under the sole purpose of overthrowing the regime and chasing out the invasion forces, whether that’s the so-called Islamic State or the Islamic Republic, the self-proclaimed Khilafat or the self-proclaimed Party of God. This the tactic that has allowed them to defend Free Aleppo and make gains against regime positions, leading to the current offensive led by the joint operation room called Fatah Halab (Conquest of Aleppo), which contains a multitude of revolutionary forces, including the proponents of Islamic democracy Liwa al-Tawhid (Unity Brigade) and several secular nationalist FSA brigades. Far from these forces being ‘supported by imperialism’, they’ve managed to regroup on the basis of self-sufficiency, pooling their resources and prioritising their shared goals over ideological quibbles, with aim of liberating Aleppo from both Daesh and the Assad regime. In March 2015 in Idlib, we saw a similar phenomenon occurring when the newly created joint operation of Jaish al-Fatah (Army of Conquest), led by the hardline Islamist Ahrar ash-Sham (Free Men of the Levant), but also including democratic forces such as Faylaq ash-Sham (Sham Legion), liberated the city of Idlib from the NDF, SAA and Hezbollah. While most Syrians celebrated this news, most ‘anti-imperialists’ either completely ignored this sign that the revolution was alive and well or, following the Islamophobic western media, lamented the fact that ‘al-Qaeda’ had struck another blow against the Assad regime. I remember watching videos of civilians in Idlib celebrating as Jaish al-Fatah fighters entered the city, tearing down statues of Hafez al-Assad, as well as regime and Hezbollah flags, and releasing prisoners who had been locked up in regime dungeons, then contrasting it with both the grave tone of the western media coverage and with that of the even more hysterical pro-Assad left. The source of this solemn take on the liberation of Idlib was the fact that Jaish al-Fatah contains brigades affiliated with Jabhat an-Nusra (JaN), al-Qaeda’s official franchise in Syria. Are people right to be concerned about this group being involved in the liberation of Idlib? Absolutely, but if the western media were to be believed, then you’d imagine that this was something akin to the fall of Mosul to Daesh in 2014 (I would say the fall of Raqqa to Daesh, but it was largely ignored). Almost every article or report in the western media characterised Jaish al-Fatah as ‘al-Qaeda-led rebels’ or ‘rebels affiliated with al-Qaeda’. As the Assad regime and its allies fled Idlib on the ground, the warplanes were sent in to repeat the brutally common tactic of terrorising civilians in rebel-held areas with barrel bombs and missiles, the de-humanisation was being produced and reproduced with al-Qaeda smear. While the focus should’ve been on the terrorism of the Assad regime against liberated areas (which is the main cause of the refugee problem), it was instead on this constant reduction of the revolution to ‘al-Qaeda’, Islam and Islamism and what this meant for, guess who, the West. In truth, the fact that JaN played a role in the liberation of Idlib is not something that sits well with many Syrians and those who support the revolutionary war, but it was a necessity. To contrast the reality of the inclusion of JaN in Jaish al-Fatah with the western media’s al-Qaeda obsession and the Assad regime’s propaganda narrative that this is a simple fight between his secular regime and western-funded al-Qaeda Islamists, we can look at the other major joint operation rooms fighting the Assad regime: Fatah Halab was set up by revolutionary groups that did not want to participate in joint operations with JaN, while in the South, the Southern Front of the Free Syrian Army, the main rebel force currently engaged in the ‘Southern Storm’ offensive to liberate Daraa City from the Assad regime, has categorically rejected the idea of fighting with JaN, even to its own detriment, as we seen when its attempted offensive on the Daraa-Damascus highway was stalled by its refusal to cooperate and coordinate with JaN. There are good reasons for this rejection and suspicion of JaN by other rebel forces. While JaN is not the same as Daesh in terms of its goals and methods, and while it, unlike Daesh, contains a majority of Syrians who were simply radicalised by Assad’s violence, as opposed to foreign jihadists (though it does contain a significant component of them too), its ideology is ultimately counter-revolutionary. It isn’t fighting for a pluralistic or non-sectarian Syria that is shaped by the will of the Syrian people, but rather a Syria dominated by its own brand of ultra-sectarian, authoritarian Salafism. As with all other al-Qaeda affiliates in the world, these principles are ultimately immoveable, but it has shown itself to be a much more pragmatic operator than Daesh, namely because it has to balance its self-interested piety at the top with the fact that most of its cadre are local Syrians who want to overthrow Assad and see that as the group’s primary aim. On a brief side note, this gulf between JaN and Daesh in terms of method has its roots in the differences between the al-Qaeda leadership and Abu Musab al-Zarqawi, the leader of ‘al-Qaeda in Iraq’, which was the predecessor organisation of Daesh. Osama Bin Laden and Ayman al-Zawahiri were opposed to Zarqawi’s insistence on ‘purifying’ Iraq of those deemed to be ‘kuffar’ or ‘rafidah’ (i.e. Shia, Yazidis etc.) as opposed to focussing solely on attacking the US-UK invasion forces and the forces of the occupation government. They had no moral qualms about Zarqawi’s sectarian mass murder, but rather they were concerned that it would turn the local population and resistance groups against them, something which they were ultimately right about when the local resistance groups formed the Harakat al-Sahwa (Awakening Movement) to tackle the insurgent jihadists. So, while the pragmatism of the al-Qaeda leadership might prevail within JaN, it is still fully steeped in the theocratic supremacism that is a fundamental part of Wahhabism. Indeed, one particularly grave incident in Idlib proves these deeper problems associated with JaN. In June 2015 in the village of Qalb Lawzah in the Idlib governorate, held by Jaish al-Fatah, a brigade affiliated to JaN, led by a Tunisian commander, attempted to confiscate the house of a Druze resident who they accused of working with the Assad regime. After the resident rightfully refused to give up his property, the JaN commander then accused the man of blasphemy and attempted to take it by force, prompting a firefight. In the resulting firefight 20 Druze were massacred. Ahrar ash-Sham, the dominant faction within Jaish al-Fatah, immediately intervened to stop it from escalating. While supporters of Assad seized upon this, the response from the overwhelming majority of rebel factions was unanimously against the actions of JaN. The Southern Front of the FSA immediately condemned what they called a ‘crime against our people … and Syrian diversity’ and announced their ‘readiness to protect Druze villages in Idlib as a step to defend Syrian diversity’. More critically, Ahrar ash-Sham and several other Islamist groups issued a statement denouncing the massacre. In it they praised the Druze in Idlib for ‘supporting the revolution’, calling for the JaN perpetrators to be independently tried for their crimes, stating very clearly that the killing was a ‘contravention of Islam’ and that ‘spilling the blood of the members of any sect’ was ‘unjust’. Furthermore, they promised to work with all sects in ‘liberated areas’ to prevent these kinds of incidents and that the revolution is a ‘people’s revolution’ and ‘arms are only to be taken up against the regime, its allies and Daesh’. Even the leadership of JaN distanced itself from the actions of the brigade in question and stated that ‘the perpetrators would be ‘held to account for blood proven to be spilt’. When people think of ‘imperialism’ they constantly fixate on its capacity as an offensive and actively destructive force, such as with the US-UK invasion and occupation of Iraq, but they rarely comprehend its other capacity – as a cruel, indifferent force that prioritises its interests in the face of the very worst cases of human suffering, even when it knows and acknowledges that it could have some positive effect. This is not some kind of appeal for ‘humanitarian intervention’, which is a term that implies the use of ‘humanitarianism’ as a mere cover for the ruthless pursuance of imperialist interests, but rather the ultimate proof, if it was still needed, that it does not exist . Again, if we look at Libya, there’s no doubt about it that the NFZ quite concretely stopped the Gaddafi regime using its airforce to bomb civilians in Benghazi and elsewhere – if we imagine that the Gaddafi regime would have been able to use its airforce to give it the upper hand or at least enforce a brutal stalemate in a civil war, as has occurred in Syria, then we can assume that without the NFZ, there would have been a humanitarian crisis on the same scale as Syria. Does this mean that imperialism is good and that we should all bow to the world order of white men and their large weapons? Absolutely not, but what it does mean is that in certain circumstances, when the interests of imperialist forces converges with the will of progressive forces, then it can have positive political and humanitarian consequences.

### Neolib specific

#### Their impact is a slippery slope---justifying something is empirically not the same as causing it.

Stacie E. **Goddard &** Ronald R. **Krebs 15**, Goddard, Jane Bishop Associate Professor of Political Science at Wellesley College; Krebs, Beverly and Richard Fink Professor in the Liberal Arts and Associate Professor of Political Science at the University of Minnesota, “Securitization Forum: The Transatlantic Divide: Why Securitization Has Not Secured a Place in American IR, Why It Should, and How It Can,” Duck of Minerva, 9-18-2015, http://duckofminerva.com/2015/09/securitization-forum-the-transatlantic-divide-why-securitization-has-not-secured-a-place-in-american-ir-why-it-should-and-how-it-can.html

Securitization theory has rightly garnered much attention among European scholars of international relations. Its basic claims are powerful: that security threats are not given, but require active construction; that the boundaries of “security” are malleable; that the declaration that a certain problem lies within the realm of security is itself a productive political act; and that “security” issues hold a trump card, demanding disproportionate resources and silencing alternative perspectives. Securitization thus highlights a familiar, even ubiquitous, political process that had received little attention in the international relations or comparative foreign policy literatures. It gave scholars a theoretical language, if not quite a set of coherent theoretical tools, with which to make sense of how a diverse set of issues, from migration to narcotics flows to global climate change, sometimes came to be treated as matters of national and global security and thereby—and this is where securitization’s critical edge came to the fore—impeded reasoned political debate. No surprise that, as Jarrod and Eric observe, securitization has been the focus of so many articles in the EJIR—and even more in such journals as the Review of International Studies and Security Dialogue. But there are (good) substantive and (not so good) sociological reasons that securitization has failed to gain traction in North America. First, and most important, securitization describes a process but leaves us well short of (a) a fully specified causal theory that (b) takes proper account of the politics of rhetorical contestation. According to the foundational theorists of the Copenhagen School, actors, usually elites, transform the social order from one of normal, everyday politics into a Schmittian world of crisis by identifying a dire threat to the political community. They conceive of this “securitizing move” in linguistic terms, as a speech act. As Ole Waever (1995: 55) argues, “By saying it [security], something is done (as in betting, a promise, naming a ship). . . . [T]he word ‘security’ is the act . . .” [emphasis added]. Securitization is a powerful discursive process that constitutes social reality. Countless articles and books have traced this process, and its consequences, in particular policy domains. Securitization presents itself as a causal account. But its mechanisms remain obscure, as do the conditions under which it operates. Why is speaking security so powerful? How do mere words twist and transform the social order? Does the invocation of security prompt a visceral emotional response? Are speech acts persuasive, by using well-known tropes to convince audiences that they must seek protection? Or does securitization operate through the politics of rhetorical coercion, silencing potential opponents? In securitization accounts, speech acts often seem to be magical incantations that upend normal politics through pathways shrouded in mystery. Equally unclear is why some securitizing moves resonate, while others [are ignored] ~~fall on deaf ears~~. Certainly not all attempts to construct threats succeed, and this is true of both traditional military concerns as well as “new” security issues. Both neoconservatives and structural realists in the United States have long insisted that conflict with China is inevitable, yet China has over the last 25 years been more opportunity than threat in US political discourse—despite these vigorous and persistent securitizing moves. In very recent years, the balance has shifted, and the China threat has started to catch on: linguistic processes alone cannot account for this change. The US military has repeatedly declared that global climate change has profound implications for national security—but that has hardly cast aside climate change deniers, many of whom are ironically foreign policy hawks supposedly deferential to the uniformed military. Authoritative speakers have varied in the efficacy of their securitizing moves. While George W. Bush powerfully framed the events of 9/11 as a global war against American values, Franklin Delano Roosevelt, a more gifted orator, struggled to convince a skeptical public that Germany presented an imminent threat to the United States. After thirty years as an active research program, securitization theory has hardly begun to offer acceptable answers to these questions. Brief references to “facilitating conditions” won’t cut it. You don’t have to subscribe to a covering-law conception of theory to find these questions important or to find securitization’s answers unsatisfying. A large part of the problem, we believe, lies in securitization’s silence on the politics of security. Its foundations in speech act theory have yielded an oddly apolitical theoretical framework. In its seminal formulation, the Copenhagen school emphasized the internal linguistic rules that must be followed for a speech act to be recognized as competent. Yet as Thierry Balzacq argues, by treating securitization as a purely rule-driven process, the Copenhagen school ignores the politics of securitization, reducing “security to a conventional procedure such as marriage or betting in which the ‘felicity circumstances’ (conditions of success) must fully prevail for the act to go through” (2005:172). Absent from this picture are fierce rhetorical battles, where coalitions counter securitizing moves with their own appeals that strike more or less deeply at underlying narratives. Absent as well are the public intellectuals and media, who question and critique securitizing moves sometimes (and not others), sometimes to good effect (and sometimes with little impact). The audience itself—whether the mass public or a narrower elite stratum—is stripped of all agency. Speaking security, even when the performance is competent, does not sweep this politics away. Only by delving into this politics can we shed light on the mysteries of securitization. We see rhetorical politics as constituted less by singular “securitizing moves” than by “contentious conversation”—to use Charles Tilly’s phrase. To this end, we would urge securitization theorists, as we recently have elsewhere, to move towards a “pragmatic” model that rests on four analytical wagers: that actors are both strategic and social; that legitimation works by imparting meaning to political action; that legitimation is laced through with contestation; and that the power of language emerges through contentious dialogue. We are heartened that our ambivalence about securitization—the ways in which we find it by turns appealing and dissatisfying—and our vision for how to move forward have in the last decade been echoed by (mostly) European colleagues. These critics have laid out a research agenda that would, if taken up, produce more satisfying, and more deeply political, theoretical accounts. In our own work, both individual and collective, we have tried to advance that research agenda. So long as securitization theorists resist defining the theory’s scope and mechanisms, and so long as it remains wedded to apolitical underpinnings, we think it unlikely to gain a broad following on this side of the pond. Second, securitization has been held back by another way in which it is apolitical—this time thanks to its Schmittian commitments and political vision. Successful securitization, in seminal accounts, replaces normal patterns of politics with the world of the exception, in which contest has no place. They imagine security as the ultimate trump card. But, in reality, the divide is not nearly so stark. Security does not crowd out all other spending priorities—or states would spend on nothing but defense and “securitized” issues. Nor does simply declaring something a matter of national security guarantee its funding—or global climate change counter-measures, including research on renewable energies, would be well-funded. Nor are security issues somehow aloof from politics: politics has never truly stopped “at the water’s edge.” Securitization considers only the politics of security. Its strangely dichotomous optic cannot see or make sense of the politics within security. In ignoring the politics within security, securitization is of course in good company. Realists of all stripes have paid little attention to domestic political contest, except as a distraction from structural imperatives. But while realism is unquestionably a powerful first-cut, this inattention to the politics within security is also among the reasons so many have found it wanting. As Arnold Wolfers long ago observed, some degree of insecurity is the normal state of affairs. But “some may find the danger to which they are exposed entirely normal and in line with their modest security expectations while others consider it unbearable to live with these same dangers.” And states, he further argues, do not actually maximize security—almost ever. “Even when there has been no question that armaments would mean more security, the cost in taxes, the reduction in social benefits, or the sheer discomfort involved have militated effectively against further effort” (1962:151, 153). A securitization perspective renders all this politics within security inexplicable. And yet, as Wolfers saw half a century ago, it is crucial.

#### Monocausal, ideological explanations of international relations fail and obscure the proximate dynamics that causal war and violence.

Andrew **Rotter 08**. Colgate history professor. 2008. “The Cultural History of Foreign Relations” in A Companion to American Cultural History, pp. 430-3

\*\*\*Italics in original

Studies on cultural transmission have opened diplomatic history to new subjects and new interpretations, and constructively complicated its assumptions about what constitutes foreign relations. Some culturalists believe, however, that studies of fashion, tourism, and musical theater fail to address real power relations between nations. Fashion and tourism and musicals, they say, may reveal something about one people’s attitudes toward another; but to understand why nations behave as they do, it is essential to bring the state back into the analysis. How, for example, do such cultural analysands as race, gender, and language help us parse hard power, including the mechanics of empire and the conduct of war? Can the Geertzian approach explain not just the context but the content, and even the cause/effect, of US foreign relations? To be sure, many of the previously cited books do concern power; and the distinction between “cultural transmission” and “culture as power” may be artificial. Let us consider several specifi c ways in which historians have tried directly to connect attitudes, images, values, and prejudices to the practice of foreign policy, and the exercise of state power. Begin with race. For some years, scholars have noted that white racism has influenced US policy toward non-white others. For Michael Hunt, racism is one of three main elements of American ideology (1987). Reginald Horsman (1981) and Richard Slotkin (1985) have shown that white acceptance of racist social science during the nineteenth century enabled brutal treatment of Native Americans, Mexicans, and Filipinos, among others. John Dower’s War Without Mercy (1986), a harrowing account of the Pacifi c War, demonstrates that white Americans and Japanese killed and maimed each other remorselessly because of their mutual racism. During the Cold War, US policy toward Africa was guided in part by the assumption that black Africans were unready for, and perhaps incapable of, self-government. In South Africa (Borstelmann 1993), Zimbabwe (Horne 2001), and all across the African continent (Noer 1985), white Americans sheltered too long and lovingly racist white minority governments that frustrated black aspirations to democracy. Domestic race relations also played a role in US foreign policy. The rising civil rights movement after 1945 exposed American racism and embarrassed a succession of presidents trying to win the Cold War with the claim that communists represented tyranny, the Americans and their allies freedom. African Americans often identifi ed with black freedom fi ghters in Africa, and vice versa, as both groups struggled against white power structures that denigrated and oppressed them. African Americans spoke out against racism at home and racist colonialism abroad, prompting State Department offi cial (and later secretary of state) Dean Rusk to admit that race discrimination in the United States was “the biggest single burden that we carry” into the arena of diplomacy. A good deal of scholarly attention has been paid recently to the impact of domestic race relations on US policy making (Horne 1986; Plummer 1996; Von Eschen 1997; Krenn 1999; Dudziak 2000; Gallicchio 2000; Borstelmann 2001; Anderson 2003). Along with race, gender has increasingly become an important analysand for historians of foreign relations. Joan Scott’s infl uential essay “Gender: A Useful Category of Historical Analysis,” fi rst published in 1986, questioned why historians seemed to think that gender was “irrelevant to . . . issues of politics and power”; in her view, “high politics itself is a gendered concept” (Scott 1996: 48). Emily Rosenberg responded to this challenge (1990) and gradually thereafter, foreign relations historians began to apply gender analysis to their studies of diplomacy, imperialism, and war. Some saw gender as a way to consider the role of women in international encounters, as occasional makers of policy (Jeffreys-Jones 1995), as agents of foreign relations through non-governmental organizations (Tyrrell 1991), or as those on the receiving end of imperial power (Enloe 1990; Moon 1997; Findlay 1999; Goedde 2003; Shibusawa 2006). Some studies of gender included consideration of sexuality and/or race. Other scholarship involving gender has concerned the role played by cultural constructions of the masculine and the feminine in shaping images of selves and others in US foreign policy. The United States has typically seen itself as a masculine nation, honor-bound to protect allegedly feminine others, or to discipline those whose fl ighty and effeminate misbehavior threatens international stability. The quest for manliness has been associated with certain American presidents; as Kristin Hoganson has written, “historians have turned Theodore Roosevelt into a virtual poster boy for the utility of gender in foreign relations history” (Hoganson 1998; Bederman 1995; Dalton 2002). Frank Costigliola has discovered signifi cance in the gendered language of Cold Warrior George Kennan, who repeatedly warned against the “penetration” of the “West” by Soviet expansionism (Costigliola 1997). The fear of appearing soft on communism drove John F. Kennedy to insist on masculine toughness in his policy toward the Soviet Union and Vietnam (Dean 2001). Other historians have claimed that the United States is periodically seized by a “crisis of masculinity” that fi nds an outlet in an aggressive foreign policy, regardless of who is president. Rendering international others as feminine has enabled the United States, and other imperial nations, to naturalize or justify interference in others’ affairs. Paternalism guided US policy toward Latin America and the Caribbean; the North Americans sought to control allegedly fl ighty and emotional Haitians, Cubans, and Puerto Ricans (Renda 2001; Perez 1998; Findlay 1999). The annals of US foreign relations are populated by tremulous Chinese, cowering Hindus, tough Muslims and weeping Muslims, manly Israelis, effete Frenchmen, and so forth. The “tough” and “manly” won praise and support from the United States. The “weak” and “soft” required fi rm, masculine guidance. If foreign relations historians have confi rmed that gender is “a useful category of historical analysis” even within realms of power, they have nevertheless found that gender alone, like race alone, has explanatory limits. The challenge for historians, as Hoganson puts it, “is shifting from demonstrating the relevance of gender to situating gender alongside strategic, economic, political, and other factors” (1998: 316). Some historians have opened their cultural analysis to a greater number of variables, by looking carefully at the language of foreign policy makers or those groups that influence them. Language, particularly in its metaphors, can convey a host of meanings infl ected by the culture that produces it. Kennan’s language in his famous “Long Telegram” (1946) was gendered – it feminized the Russian people, for whom Kennan had an almost sexual affection, and cast as rapacious the current Soviet leadership – but it also indulged in references to illness, as in the “Kremlin’s neurotic view of world affairs” and Soviet leaders being “affl icted” with insecurity (Costigliola 1997). Geoffrey Smith has associated gender, pathology, and perceptions of national security in his explanation of the Red (fear of communism) and Lavender (fear of gay people) Scares that swept the United States in the late 1940s and early 1950s (Smith 1992). Homosexuality was purportedly a sexual perversion, a disease, and a risk to national security because gays were readily blackmailed by their communist handlers. Increasingly, historians of foreign relations are trying to do justice to the complexity of culture and the disparate ways it affects perception and decision making

. It is never neat work. Who is to say, for example, whether race or religion more insistently conditioned US policy toward Muslim Pakistan and Hindu India during the 1950s? How did interwoven ideas concerning gender, race, and class shape North American initiatives in Puerto Rico or Cuba at the beginning of the twentieth century? A number of scholars have skillfully blended the discrete elements of culture to offer satisfying explanations of American encounters with others (Stephanson 1995; Dower 1999; Bradley 2000; Connelly 2002; Klein 2003). The most direct result of the poststructural challenge to the history of US foreign relations has been the emergence of postcolonial or subaltern studies, a movement closely associated with the late Edward Said, whose Orientalism (1978) was its foundation text. Postcolonial scholars admired Marx and especially the Italian Marxist Antonio Gramsci, but revealed their poststructural affi liations through their interest in literature, subjectivity, prisons, schools, and discourse, and through their footnotes, which cited more Foucault than Marx. The postcolonialists were emphatically interested in empire and power. While they were clear in their condemnation of colonialism, they looked imaginatively at the relationships empire created between the dominant nation, its agents, and colonized “subalterns” (Subaltern Studies, 1988– 2000). Perhaps the most important contribution of the subaltern scholars was their ascription of agency to the weaker parties in the colonial relationship – men and women who, in spite of having limited power, shaped their own identities and forged resistance despite their subordinate status. Gender and often race figured prominently in these works. Said and the Subaltern Studies quickly found their way into the arguments (and the footnotes) of foreign relations culturalists. Essays in Cultures of United States Imperialism (Kaplan & Pease 1993) used poststructural theory to expand the horizons of historians more comfortable sorting through diplomatic correspondence than contemplating the prosthetics of empire, stuffed gorillas at New York’s Museum of Natural History, and Tokyo Disneyland – all subjects of essays in the Kaplan–Pease anthology. As Rosenberg has noted, much of the foreign relations history inspired by poststructuralism has focused on the formal American empire: on the Philippines, and especially on Latin America (Joseph et al. 1998; Rosenberg 1999; Rafael 2000; Renda 2001). Adopting postmodern theory, regarding empire as an engagement of cultures, and exploring mutual images and attitudes as displayed in the media, in fi ction, and in travel literature, these scholars have nevertheless combed the archives in search of affi liations between the offi cial language of diplomacy and the broader discourse of encounter. It would be satisfying to report that culturalism has swept the field, and achieved the stature of realist, revisionist, or even post-revisionist accounts of US foreign relations. There is no question that culturalism has gained a measure of respect, certainly among younger entrants to the fi eld, and with some older scholars as well. Yet resistance remains. Some seems churlish: that cultural infl uence is harder to measure than, say, trade fl ows during the 1930s is self-evident, and hardly disqualifi es culture as a meaningful category of analysis. But there is thoughtful criticism as well. Culture is an elastic concept; if it includes and explains everything, it threatens to explain nothing in particular. Culture, moreover, can occlude the operations of cause and effect. Exploring how selves see themselves and others does not necessarily illuminate *why* selves or others *act* as they do. And cultural perceptions are likely to depend on interests: Americans during the Pacific War hated and dehumanized the Japanese, but cherished the Chinese as honest, virtuous, and quaint. Above all, critics have charged, culture in the end has not much to do with power. Oppression is not, they say, about ridicule, stereotype, or ideas based on gender, race, or religion. Language does not kill people; war is not a discourse. In its affection for Geertzian context, its emphasis on image, culturalism neglects what is most important about US foreign relations.

# 1AR

#### Capitalism is antiracist.

Paul F. deLespinasse 20. Professor Emeritus of Political Science and Computer Science at Adrian College. “Capitalism no friend to racism”. https://www.gazettetimes.com/news/local/paul-f-delespinasse-capitalism-no-friend-to-racism/article\_85bac3a8-805b-587d-9725-0e10f09547a8.amp.html

Some people argue that eliminating racism requires getting rid of capitalism. But racism existed before capitalism developed. Since racism exists in non-capitalist societies, capitalism can't be blamed for it.

True, in some ways capitalism is friendly to racism.

Capitalism combines mostly free markets with predominantly private ownership of the means of production, except for land and other natural resources. (Privately owned natural resources aren't essential characteristics and must probably be abandoned if capitalism is to survive. The alternative isn't governmental ownership of natural resources, but ownership by the public, with government acting as a trustee for it.)

In a market economy people are free to enter into voluntary associations, created by mutual consent, to exchange or transfer inducements. People can hire and be hired, buy and sell, mostly at mutually agreed-upon prices.

Mutual consent being required, racists can refuse to enter voluntary associations with members of the target race. They can refuse to hire them, sell to them or buy from them.

Racism is rooted in stereotyping, assuming that "when you have seen one (person of a certain race), you have seen them all." Since all individuals are unique, stereotyping is stupid, but freedom includes freedom to act stupidly.

To this extent capitalism is racism's ally. But there is another side to this story.

Although capitalism's freedom allows people to indulge their prejudices, it makes them pay for doing so. Their economic interest would be to hire the best available people without considering their race and to sell to all willing customers. Not doing this reduces their income.

Since buyers and sellers want to make the best deals possible, capitalism pushes society away from racist behavior even though it won't immediately eliminate racist thinking. A notable example was a well-known bigot who owned a sports team and hired black athletes because she wanted her team to win.

Racist thinking, though, should be undermined by capitalism's encouragement of voluntary associations between people of different races. Personal relations can undermine people's tendency to think in terms of stereotypes.

The American South was not capitalistic before the Civil War. Slaves did not give their consent to be associated with their owners. Their association was involuntary, not voluntary. They were kept in bondage by sanctions —government's power of the sword.

Capitalism didn't come to the South even after the Civil War. Once the attempted "reconstruction" reforms ended, state governments prevented the normal anti-racist capitalistic tendencies from working. Segregation made it illegal for white people and black people to enter into many kinds of voluntary associations with one another, to work together, to go to school together, even to marry. The fact that governments enacted such legislation indicates their fear that people otherwise would associate with those of different races.

These restrictions clearly violated the basic essence of capitalism: freedom of voluntary association by mutual consent of the parties. Racist societies are not expressions of capitalism, but its contradiction.

And they violated a fundamental requirement of good government: the rule of law. Genuine laws must be general rules of action and cannot impose sanctions on people on the basis of their race.

Some more recent legislation attempting to force bigots to stop discriminating on the basis of race also contradicts the basic capitalistic principle. How can people be forced to enter voluntary associations without their consent when such associations, by definition, require mutual consent?

It is no wonder that today's very well-intended antidiscrimination law is such a conceptual mess. (Open accommodation — first come, first served — laws, however, seem to work well.)

Although capitalism enables bigots to discriminate, it makes them pay an economic price in the form of lost business and lost opportunities to employ the best people. Economic interest tends to pull people together.

Capitalism and racism are basically deadly enemies.

#### Four waves of empire-building and dismantlement are US driven.

Daniel **Deudney &** John **Ikenberry 15**. Deudney, Johns Hopkins University; Ikenberry, Princeton University “America’s Impact: The End of Empire and the Globalization of the Westphalian System”, August 2015, http://scholar.princeton.edu/sites/default/files/gji3/files/am-impact-dd-gji-final-1-august-2015.pdf

In contemporary debates, this argument undercuts, modifies, and qualifies characterizations held by so many of the United States as essentially imperial, and the American order as an empire. In our rendering, the United State is not the last Western empire, but the first anti-imperial and post-imperial great power in the global system. Our argument is thus focused on the consequences of American foreign policy for the evolution of the international system, and we do not in this confined treatment offer an explanation for the origins of U.S. foreign policy. In short, we offer an argument about impacts rather than the sources of America’s antiimperial and pro-Westphalian role. Empires and State Systems: Historical Patterns Empire has been the historically predominant form of order in world politics. Looking at a time frame of several millennia, there was no global anarchic system until the European explorations and subsequent imperial and colonial ventures connected desperate regional systems, doing so approximately five hundred years ago.7 Prior to this emergence of a globalscope system, the pattern of world politics was characterized by regional systems. These regional systems were initially very anarchic, and marked by high levels of military competition. But almost universally, they tended to consolidate into regional empires which had fairly limited interactions with polities outside their regions.8 Thus, it was empires – not anarchic state systems – that typically dominated the regional systems in all parts of the world. Within this global pattern of regional empires, European political order was distinctly anomalous because it persisted so long as an anarchy. Despite repeated efforts to consolidate Europe into one empire – or what the Europeans referred to as “universal monarchy” – this region remained a plural, multi-state political order. After the Peace of Westphalia ending the Thirties Year War, this plural anarchic system, the Westphalian system, and was sustained by a rough balance of power among its autonomous states and the weakness of the claimants of European empire. This Westphalian system was based on a roughly equal distribution of power among its major units, sustained by various balancing practices that thwarted a succession of regional European empire-builders, and had an elaborate system of public international law and ideological justification.9 While this system rested on a balance of power, it was juridically crystallized into a system of mutually recognized sovereigns. Outside of Europe, however, the European states, including those that were most active in preventing empire within Europe, were extraordinarily successful in conquering and colonizing vast areas across oceanic distances.10 The Europeans did not invent empire, but they were spectacularly successful at empire building on a global scope, largely because of the imbalance of power that stemmed from European innovations in technology and organization.11 The Europeans conquered and dominated empires, states, and peoples in every previously loosely coupled or isolated regional system across the world. The Europeans also successfully planted numerous colonies of settlers, mainly in the temperate zones in North and South America, Oceania, and the southern tip of Africa.12 States from the Western European core of the Westphalian system thus brought into existence a global-scale political system made up of vast multi-continental empires of conquered peoples and a scattering of colonial “new Europes.”13 This pattern of European empire building was different from its predecessors, not just in its global scope, but also because the European states were continuously warring against one another for dominance within Europe. These struggles between states within Europe against empire in Europe were fought on a global scale. Thus the first “world war,” defined as a war fought across multiple continents, occurred in the later 18th century. In this struggle Britain sought to thwart French attempts to dominate Europe and the battle lines were in Europe, North America, South Asia, and across the global oceans. This pattern of the globalization of intraEuropean warfare continued in the 20th century with the wars triggered by German efforts to dominate Europe. The growing imbalance of power between the Europeans and the rest of the world during the 18th and 19th century enabled the Europeans to easily expand their empires at the expense of non-Europeans. But during the same periods, the Europeans found it very difficult to conquer each other within Europe. Thus vast armies wrought great destruction fighting over tiny parcels of land in Europe, while comparatively small European imperial expeditionary forces readily mastered non-European armies in the Americas, Africa, and Asia. Thus a balance of power underpinned the Westphalian system in Europe, while an imbalance of power between Europe and the world underpinned imperial expansion. Anti-imperial and anti-colonial rebellions and resistance are as old as empires, but successful rebellion against European imperial rule outside Europe began in the 18th century with the revolt of the colonial settler colonies in the Americas – first in North America and then in South America. This first wave of settler-colony rebellion marked the end of what historians refer to as the “first British empire,” as well as the first great European empire in the Americas, that of Spain. The success of this first wave of anti-imperial rebellion in Spanish America was crucially facilitated by the weakening of Spain during the Napoleonic wars for domination within Europe. In the later-19th century, European empire building outside of Europe entered a second wave, enabled by the new industrial technologies that further amplified the imbalance of power between Europeans and non-Europeans, which in turn allowed the Europeans to extend their imperial domination into the large interior spaces of the continents, particularly in Africa and Asia.14 In the 20th century, further wars among the core European states weakened Britain, France, and Holland, the leading European colonial powers, thus creating opportunities for antiimperial independence movements in Asia and Africa. Paradoxically, the fact that the Europeans were continuously fighting one another fueled their imperial ambitions and successes, while at the same time, such wars weakened them and helped enable the success of rebellions against their empires.15 Thus as the British empire was reaching its territorial zenith in the early years of the 20th century, Britain was critically weakened by the world wars in Europe and Asia against the aspiring German and Japanese empire builders. The territorial aggression of the Axis Powers constitute a third wave of empire building which was short lived and thwarted by the successful mobilization of the “United Nations,” a coalition led by the United States, Great Britain, the Soviet Union, and China. A fourth wave of empire building, by the Soviet Union and the international communist movement in the second half of the 20th century, was thwarted and dismantled by the United States and its allies. The Pattern of American Anti-Imperial, Anti-Colonial, and Pro-Westphalian Impacts Against the backdrop of this evolution of the international system and the four waves of empire building and dismantlement, it becomes possible to see more clearly the many ways in which the United States played important anti-imperial, anti-colonial, and pro-Westphalian roles. 16 The Pattern of American Anti-Imperial, Anti-Colonial, and Pro-Westphalian Impacts In each of the four waves of empire building and dismantlement, the United States had an impact. The United States was the first “new nation” to emerge from a rebellion against European imperial rule during the first wave of modern empire. The United States also supported the independence of other European settler colonies throughout the Americas and, with the Monroe Doctrine, helped sustain their independence against European efforts to recolonize parts of the Americas. In the second wave of late 19th century empire-building, the United States, despite its great relative power, did not establish an empire of its own of any significance or duration. And during the latter part of the 20th century, the United States pushed European decolonization, thus facilitating the breakup of second wave empires. In the great world wars in the 20th century, the United States played an important role in thwarting a third wave of imperial projects of Germany, Japan, and Italy.

In the second half of the 20th century, the United States played decisive roles, both ideological and military, in thwarting the fourth wave of empire building, the expansion of the communist great power, the Soviet Union, as well as communist coups and revolutions in many weak and small independent states.

Table

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The United States also played a variety of important roles in building and strengthening Westphalian institutions, moderating inter-state anarchy, and facilitating the ability of states to survive as independent members of international society. From its inception, the United States was precocious in its support for the law of nations, the institutions of the society of states, particularly the laws of war and neutrality, and public international law, as a means of restraining war and aggression. In both the 19th and 20th centuries, the United States, first regionally and then globally, inspired and helped legitimate anti-colonial and anti-imperial independence movements and national liberation struggles among peoples struggling against empires all over the world. In the 20th century, the United States led the efforts to institutionalize Westphalian norms of non-aggression and sovereign independence, first with the League of Nations and then with the United Nations Charter. In the second half of the 20th century, the American-led liberal international order institutionalized free trade and multilateral cooperation, thus providing the infrastructure for a global economic system, thus enabling smaller and weaker states to sustain their sovereign. Also in the second half of the 20th century, the American system of military alliances contributed to the dampening of violent conflicts among allied states, particularly in Europe and East Asia, thus protecting the Westphalian system from the return of violent conflict and empire-building.

Table

Description automatically generated Taken together, these varied American activities in the world clearly provide strong preliminary evidence for our claim that the United States has significantly contributed to the dismantlement of empires, the thwarting of further empire-building, and to the universalization, institutionalization, and stabilization of the Westphalian state-system.