#### Tech can’t solve---empirics, rebound, outsourcing, and politics

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The first heroic assumption underpinning techno-optimist solutions is the ongoing reliance in many of the most influential large scale decarbonization strategies on CCS (carbon capture and storage). While CCS may play a valuable, albeit modest, long term role, the current state of knowledge suggests that we are still a very long way from affordable and scalable CCS deployment. Even the Global CCS Institute (2013: 5) has recently reported that, “while CCS projects are progressing, the pace is well below the level required for CCS to make substantial contribution to climate change mitigation”. The growing “emissions gap” is also providing increasing impetus for speculation about the “necessity” of geoengineering “solutions” with all their attendant concerns about ethical implications and unintended consequences (see Hamilton 2013).

The second debatable assumption is that technological innovation will necessarily and rapidly translate into global reductions in energy consumption. Important questions remain about the speed with which 100% renewable energy can realistically be achieved (see e.g. Smil 2010, 2014); the extent of fossil fuel energy consumption required to drive the initial massive expansion in renewable energy infrastructure; and the full life cycle energy return on investment (EROI) outcomes of solar and wind energy—particularly if these calculations factor in the full costs of energy storage (see e.g. Palmer 2013; Prieto and Hall 2013). Noting that emissions reductions of 4% p.a. in an economy growing at 2% p.a. are likely to require carbon intensity improvements of around 6% p.a., Anderson (2013) notes that he has yet to find any credible mainstream economist prepared to argue that prolonged emissions reductions of 3% or 4% or more are compatible with economic growth.

Indeed, as Lord Stern (2006: 231) himself has noted: There is likely to be a maximum practical rate at which global emissions can be reduced. At the national level, there are examples of sustained emissions cuts of up to 1% per year associated with structural change in energy systems... whilst maintaining strong economic growth. However, cuts in emissions greater than this have historically been associated only with economic recession or upheaval, for example, the emissions reduction of 5.2% per year for a decade associated with the economic transition and strong reduction in output in the former Soviet Union. These magnitudes of cuts suggest it is likely to be very challenging to reduce emissions by more than a few percent per year while maintaining strong economic growth.

The third reason for caution in assuming overly optimistic relationships between technological innovation, carbon intensity and emissions reductions is the impact of the “rebound effect” (see Jevons 1865; Herring and Sorrell 2009; Holm and Englund 2009; Jackson 2009). This phenomenon refers to the tendency for innovation and efficiency gains to be rapidly overwhelmed as cheaper unit costs combined with the formidable reach and power of the global advertising industry enable and encourage individuals to consume more of the same or alternative services and products. The harsh reality remains that global emissions continue to grow (IPCC 2013)—along with the global trends in the consumption of energy and resources—with apparent improvements in developed economy energy efficiency often masking the reality of energy intensive production being offshored to developing economies.

The likelihood of full and fast deployment of new technologies is the fourth problematic assumption that needs to be addressed given the formidable political and social obstacles standing in the way of rapid implementation. As noted in the recent Post Carbon Pathways review of learning from the implementation of large-scale decarbonization strategies (see Wiseman et al. 2013), experienced climate scientists and policymakers consistently come to the conclusion that the key obstacles standing in the way of rapid decarbonization are political and social rather than technological. Key roadblocks include the following.

### 1NC---CP

#### States should establish and enforce regulations for the appropriation of outer space by private entities that engage in anti-competitive business practices in accordance with the higher ethical principles of the outer space treaty.

#### States should establish rules of the road for space traffic management.

#### Solves best. Regulation is distinct from antitrust.

Wu 17 [Tim Wu, legal scholar and professor of law at Columbia University. Also is now official in the Biden White House with responsibility for Technology and Competition policy. “Antitrust via Rulemaking: Competition Catalysts.” 2017. https://scholarship.law.columbia.edu/cgi/viewcontent.cgi?article=3057&context=faculty\_scholarship]

In its March 26, 2016 issue, The Economist magazine announced that “America needs a giant dose of competition.”1 Its study of industry concentration and profits suggested that, after decades of consolidation, competition had decreased across a broad range of the American economy.2 An April 2016 issue brief by the Council of Economic Advisors reached similar conclusions, stating that “competition appears to be declining” due to “increasing industry concentration, increasing rents accruing to a few firms, and lower levels of firm entry and labor market mobility.”3

The promotion of competition in the American economy is a task that has traditionally fallen to the enforcement agencies at the federal and state level, relying on the main antitrust statutes. 4 However, the challenge of declining competition has also prompted interest in the use of regulatory alternatives to antitrust to “catalyze” competition.5 The strategy involves using industry-specific statutes, rulemakings, or other tools of the regulatory state to achieve the traditional competition goals associated with the antitrust laws.6 Hence, “antitrust via rulemaking.”

While conducting competition policy outside of the main antitrust laws is not entirely new, it came into some prominence through an April 15, 2016 Executive Order issued by the White House.7 In that order, the President charged the executive agencies as follows:

Executive departments and agencies with authorities that could be used to enhance competition (agencies) shall, where consistent with other laws, use those authorities to promote competition, arm consumers and workers with the information they need to make informed choices, and eliminate regulations that restrict competition without corresponding benefits to the American public.

In the field of administrative law, there is a longstanding debate over the relative merits of rulemaking and adjudication.9 Beginning in the 1960s there was a decisive shift among most agencies toward rulemaking. 10 However, with exceptions (most of which are described here), the promotion of competition – the antitrust regime – remains rooted in an adjudication model, and might even be described as stuck there. More effective and widespread promotion of competition may require more widespread and effective use of pro-competitive rulemaking by a broader variety of agencies.

### 1NC---K

#### Capitalism causes massive violence and inevitable extinction – the role of the ballot is to endorse the best organizational tactics.

Escalante 19 [Alyson Escalante, M.A., Department of Philosophy @ University of Oregon, “Truth and Practice: The Marxist Theory of Knowledge,” 09/08/19, tinyurl.com/8jksnexs] pat

The world we live in today is in a dire state. Climate destruction continues at a fast pace, and every with every passing day, capitalism proves itself to be incapable of addressing this. Capitalist production and its endless drive for resources to match artificial market demands has created a climate crisis that leaves us on the brink of potential extinction.

Governments around the world are turning to far right and fascist leaders to assuage their fears of an uncertain future, and the most marginalized and oppressed suffer because of it. Fascism is on the rise, and history tells us very clearly what that can result in without opposition.

The decaying US empire continues to lash out in violence across the globe in a desperate attempt to re-assert its power and hegemony. Whole countries are destroyed in its desperate bids for more fossil fuels. The world burns from America’s white phosphorus weaponry.

The need for a revolutionary movement capable of replacing capitalism with something better has never been so clear. The choice between socialism or barbarism has never been so stark. More and more people are starting to realize that reform cannot save us, that capitalism and imperialism themselves are the problem, and that we must unite and band together to fight for a better world.

The question then is: how will we know what strategies, what tactics, and what ideas to unite around? If the skeptics and postmodernists are correct that knowledge is always relative and localized, then we cannot built a global and universal strategy to unite around. If they are correct then we are doomed to small acts of localized or individual resistance in the face of apocalypse. To embrace such a vision of the world (with its accompanying epistemological skepticism) is to embrace defeat.

The masses do not want to embrace defeat, they want to know how to fight back. Marxism can provide the tools necessary to engage in that fight.

Marxism, with its self criticism and its insistence on incorporating the valuable ideas of its critics has created a means for unifying workers across the globe with anti-colonial and anti-imperialist struggles. The Marxist belief in the possibility of true ideas, tested and verified in practice, creates the possibility for unity on a global scale. The scientific status of Marxism means that as our climate changes, as our world looks more and more grim, Marxism will adapt through struggle and practice; it will provide us with the ideas and tools we need to fight and win.

There will be no victory for the workers of the world without the ability to wield a revolutionary science. What is at stake in questions of Marxist epistemology is the very possibility of creating a philosophical and scientific basis for revolution. We must defend this possibility. We must defend the scientific status of Marxism, and must insist on the possibility of victory.

#### Antitrust is a roundabout solution to chase after the effects of structural problems. Both the 1AC AND the plan serve capitalism.

Timur Ergen and Sebastian Kohl 21, Ergen is Senior Researcher Max Planck Institute for the Study of Societies Paulstr, Kohl is a researcher in comparative political economy and economic sociology at the Max-Planck Institute for the Study of Societies, “Is More Mittelstand the Answer? Firm Size and the Crisis of Democratic Capitalism,” *Analyse & Kritik,* 2021, 43(1):41-70, <https://www.degruyter.com/document/doi/10.1515/auk-2021-0004/html>

\*SMEs=Small to medium enterprises

The purpose of this paper has been to critically evaluate the case for deconcentration as a tool to restore the functioning of democratic capitalism with its three core elements of good and stable employment relations, relative equality and healthy democracy. We do not fundamentally doubt that monopolization and the emergence of the giant firm represent crucial challenges for 21st-century democratic capitalism. However, we assembled extensive evidence suggesting that the small capitalist firm is probably not the final solution to these challenges. Empirically, the small capitalist firm has rather been a routine inhibitor of the realization of progressive reforms and might not be the much-vaunted motor of good, stable jobs. While antitrust might be able to reduce certain inequalities of disposable incomes through consumption, SMEs might themselves be a potential contributor to wealth inequalities. Realizing equality through the consumption channel might also be less straightforward than attacking income and wealth inequality at its core. Finally, research on the ‘extremism of the center’ suggests that SMEs and allied interests might even turn into a reactionary force in modern democracy, inhibiting social reform and regulation. SMEs are among the key defenders of low inheritance and wealth taxation in the protection of their business wealth and thus rather stand in the way of Piketty’s participatory socialism and ‘progressive tax triptych.’ Reasons of space prevent us from dissecting other inconclusive empirical evidence for further claims brought forward by modern Mittelstand ideals, such as superior innovativeness and contributions to employment. As important as size can be for determining social phenomena (Simmel [1908] 1950), it might generally be too unsteady a factor to build a strong reform agenda upon. As generalizing sets of political economic assertions, Mittelstand ideologies rarely stand the test of scientific scrutiny.

Yet, the debate about monopoly in present day democratic capitalism has made important and remarkable contributions to public controversies. Particularly the debate about the need for collective intervention in the conduct of Big Tech corporations has been ameliorated by the new wave of antitrust thinking (Khan 2018). We do think, however, that it has equally distracted from more straightforward questions about the malaise of democratic capitalism. In essence, Mittelstand proponents suggest the truly difficult reform path of a politically enforced change of market structure, hoping for a long series of beneficial ripple effects. Most of the targeted ripple effects, such as full employment, a purified democratic process, betterment of working conditions, and reduced inequalities, have been targeted by tried and tested policies throughout the 20th century. Campaign finance reform in the United States or lobbying regulation in the European Union seem like much clearer targets for political energy than the beneficial effects of the small capitalist firm. Regulation should be effective for firms of all sizes rather than making size itself the crucial operating parameter. Tackling inequalities through yet another bureaucratic agency without much democratic legitimacy might also not be the best way to compensate for the democratic deficit attributed to the European Union.

In our view, the debate about monopoly has a similarly ambivalent character in the intellectual debate about the nature and evolution of democratic capitalism. On a high level of generality, critics of monopoly and large firms suggest that democracy and capitalism are symbiotic structures by nature, whereas the latter has been corrupted by incremental concentration. Repair through purification then seems like a straightforward reform agenda to restore symbiosis. While the case that capitalism comes in varieties, some of which may be corrupting, is a valuable contribution, the focus on firm size can overshadow more basic fault lines. Emancipatory social movements, redistributional institutions and regulatory frameworks have historically both succeeded and failed in a wide variety of corporate environments.

The issue of monopoly and the future of the small capitalist firm is poised to increase in political salience in the aftermath of the COVID-19 pandemic. Increased state involvement in the economy—as structural or stimulus policy—as a rule brings up debates about dedicated support for small and medium-sized firms. As visible in the recent political conflicts over targeted corporate bailouts for big firms and firms of high national prestige (like legacy ‘national’ airline carriers), sizeable public transfers often stimulate conflict over desirable corporate structures. The pandemic has wreaked havoc on core parts of the stationary non-food retail, event-, and hospitality industries, having significant small firm segments with little to no liquidity reserves. What is more, the translation of social inequalities into deep health inequalities may serve as the basis of a continued politicization of economic concentration in contemporary capitalism.

#### Capitalism is unsustainable and causes extinction.

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This is the question that vexed us as we set out to write The Tragedy of the Worker. From the vantage point of the present, the history of capitalist development is, as Marx expected, the history of the development of a global working class, the proletarianisation of the majority of the world’s population. But the very same process of that development has brought us to the precipice of climate disaster. Our position, to recall Trotsky’s rationalisation of War Communism in 1920, is in the highest degree tragic.

It is now clear that we will pass what scientists have long warned will be a tipping point of global warming, accelerating the already catastrophic consequences of capitalist emissions. How do we imagine emancipation on an at best partially habitable planet? Where once communists imagined seizing the means of production, taking the unprecedented capacities of capitalist infrastructures and using them to build a world of plenty, what must we imagine after the apocalypse has befallen us? What does it mean that as capitalism has become truly global, the gravediggers it has created dig not only capitalism’s grave, but also that of much organic life on earth?

Our answers to these questions remain rooted in the politics of revolutionary communism. Our stance is not based on the fantasy of a homeostatic nature that must be defended but on the critique of the capitalist metabolism – the Stoffwechsel- that must be overthrown. Earth scientists are accustomed to speak in terms of ‘cycles’ by which substances circulate in different forms: the water cycle, the rock cycle, the nitrogen cycle, the glacial-interglacial cycle, the carbon cycle, and others. One way of registering the catastrophe of climate change is to see these cycles – most of all, but not solely, the carbon cycle – as disordered, under- or over-accumulating. But this is to ignore the more fundamental circuit of which these now form epicycles, like Ptolemy’s sub-orbits of the heavenly bodies: the circuit of capital accumulation, M-C-M′.

This circuit accumulates profit and produces death. Neither is accidental. It is for this reason that the debates that capitalist ruling classes permit among themselves on ‘adaptation’ versus ‘mitigation’ take place on false premises. What is to be mitigated is the impact of climate change on accumulation, rendered through the ideology of ‘growth’ as something that benefits everyone. What we are to adapt to are the parameters of accumulation, sacrificing just enough islands, eco-systems, indigenous – and non-indigenous – cultures to maintain its imperatives for a period of time until new thresholds must be crossed, and new life sacrificed to the pagan idol of capital. Already, capitalist petro-modernity builds a certain quantum of acceptable death into its predicates: at the very least, the 8.7 million killed by fossil fuels each year according to Harvard University are considered a price worth paying for the stupendous advantages of fossil capital. And the sky can only keep going up, as deforestation, polar melt, ocean acidification, soil de-fertilisation and more intense wildfires and storms tear the web of life into patches. If the necropolitical calculus of the Covid-19 pandemic appears crass, just wait until its premises are applied to climate catastrophe.

#### The alternative is the communist party. Democratic-centralist dual power organizing builds support to overthrow capitalism BUT wasting energy trades off.

Escalante 18, Alyson Escalante is a Marxist-Leninist, Materialist Feminist and Anti-Imperialist activist. Forgenews, “Against Electoralism, For Dual Power!” 2018. <https://theforgenews.org/2018/08/24/against-electoralism-for-dual-power/>

Lenin argues that we must understand the state as an institution which emerges out of class struggle. The ruling class cannot simply secure their rule through immediate seizure of private property. The capitalist class, for example, relies upon a whole host of state institutions to maintain its position as the ruling class. Police, armies, and various other state agencies maintain property relations and protect the power of the ruling class. The proletariat, of course, greatly outnumber the bourgeoisie. As a result of this, the ruling class requires state power.

Lenin summarizes this succinctly: “ The state is a product and a manifestation of the irreconcilability of class antagonisms. The state arises where, when and insofar as class antagonism objectively cannot be reconciled. And, conversely, the existence of the state proves that the class antagonisms are irreconcilable.”

The state exists because the ruling class and the subjugated class cannot exist in harmony. Class struggle is consistently being waged in a non revolutionary manner within capitalist society. Workers unionize, police break strikes. The struggle continues and the ruling class uses the state to wage it. This insight allowed Lenin to realize that the bourgeois state cannot be a venue for achieving socialist gains. If the state exists precisely to ensure the domination of the capitalist class, then the socialists working within the state will necessarily have to bend to the will of the capitalists or be expelled from the state.

This insight can explain the shift in Ocasio’s rhetoric from (admittedly tepid) socialist ideas to standard democratic party bourgeois politics. Upon gaining enternece into the institutions of the bourgeois state, Ocasio was immediately faced with a decision: hold her ground as a socialist and be incapable of functioning within state machinery designed to crush socialism, or continue to call herself a socialist while adopting the politics of the bourgeoisie. It is obvious which decision Ocasio has made.

Lenin was profoundly aware of these limits and forced compromises which working within the bourgeois state requires. As a result, Lenin and the Bolsheviks argued against working with the provisional government, and instead argued for its overthrow. Lenin wrote: “ all previous revolutions perfected the state machine, whereas it must be broken, smashed.”

If we, as socialists, truly fight for a classless world, we must smash the mechanisms which ensure class domination. We must smash the bourgeois state.

This realization led the Bolsheviks to reject the opportunism of the Socialist Revolutionaries and Menshiviks in the Soviets and they chose to overthrow the provisional government themselves. Shockingly, their revolution was successful. After months of compromise, the workers had grown tired of the opportunist bourgeois socialists. They had seen that the dual power of the soviets and the provisional government was not tenable. One side had to take unitary power. Most importantly, the workers saw that the bourgeois government had done nothing for them: it had smashed their printing presses, it had crushed their demonstrations, it had broken their strikes. Of course, it could do nothing else, the bourgeois state is designed to do precisely this.

The events of October, 1917 ought to have concretely proven that the strategy of infiltrating the bourgeois government is untenable. Lenin and the Bolsheviks proved that the workers are willing to throw the bourgeois state away in favor of a dictatorship of the proletariat. And yet, here we are 111 years later and large factions of the largest socialist organization in the United States echo the cowardly and worthless drivelings of the Menshiviks and Socialist Revolutionaries.

Dual Power Today

I am sure that at this point, the opportunists reading this have already begun to type out their typical objection: the world is different than it was in 1917, and the conditions of the United States in no way echo the conditions which enabled the Bolsheviks to achieve revolutionary success.

To this tried and true objection, there is one simple answer: you are entirely correct, and that is why we need to abandon electoralism and working within the bourgeois state.

What were the conditions which allowed the Bolsheviks to successfully revolt? The conditions were that of Dual Power. Alongside the capitalist state, there existed a whole set of institutions and councils which met the needs of the workers. The soviets, a parallel socialist government made up of individual councils, successfully took over many governmental responsibilities in some parts of Petrograd. In the radical Viborg district, the Bolshevik controlled soviets provided government services like mail, alongside programs that could meet the needs of workers. When a far right coup was attempted against the provisional government, it was troops loyal to the Bolshevik factions within the soviet who repelled the coup plotters, proving concretely to the workers of Petrograd that the socialists could not only provide for their needs, but also for their defense.

In short: the Bolsheviks recognized that instead of integrating into the bourgeois state, they could operate outside of it to build dual power. They could establish programs of elected representatives who would serve the workers. They would not bolster the capitalist state in the name of socialism, they would offer an alternative to it.

And so, when the time came for revolt, the masses were already to loyal to the Bolsheviks. The only party who had never compromised, who had denounced the unpopular imperialist wars, who had rejected the provisional government entirely, was the party who successfully gained the support of the workers.

And so, many of us on the more radical fringes of the socialist movement wonder why it is the the DSA and other socialist opportunists seem to think that we can win by bolstering the capitalist state? We wonder, given this powerful historical precedent, why they devote their energy to getting more Ocasios elected; what good does one more left democrat who will abandon the workers do for us?

The answer we receive in return is always the same: we want to win small changes that will make life for the workers easier; we want to protect food stamps and healthcare.

And do this, we reply: what makes you think reformism is the only way to do this. When the bourgeois state in California was happy to let black children go to school unfed, the Black Panthers didn’t rally around democratic candidates, they became militant and fed the children themselves. In the 40s and 50s, socialists in New York saw people going without healthcare and instead of rallying behind democratic candidates, they built the IWO to provide healthcare directly. Both these groups took up our pressing revolutionary task: building dual power.

Imagine if all those hours the DSA poured into electing Ocasio were instead used to feed the people of New York, to provide them with medical care, to ensure their needs were met. Imagine the masses seeing socialism not as a pipe dream we might achieve through electing more imperialists, but as a concrete movement which is currently meeting their needs?

The fact is, we are not nearly ready for revolution. Socialists in the United States have failed to meet the needs of the people, and as long as their only concrete interaction with the masses is handing them a voter registration form, they will continue to fail the people. Our task now is not to elect representatives to advocate for the people; it is much more gruelingly laborious than that. Our task is to serve the people. Our task is to build dual power.

The movement to do this is underway. Members of the DSA refoundation caucus have begun to move the left of the DSA in this direct, socialist groups like Philly Socialists have begun to build dual power through GED programs and tenants unions, many branches of the Party For Socialism and Liberation have begun to feed the people and provide for their concrete needs, and Red Guard collectives in Los Angeles have built serve the people programs and taken on a stance of militant resistance to gentrification. The movement is growing, its time is coming, and dual power is achievable within our life time.

The opportunists are, in a sense, correct. We are not where we were in 1917, but we can begin to move in that direction and dual power can take us there. In order to achieve dual power we have to recognize that Lenin was right: there will be no socialist gains by working within state institutions designed to crush socialism. Furthermore, we must recognize that the strategies of the electoral opportunists trade off with dual power. Electing candidates drains resources, time, and energy away from actually serving the people.

And so, we should commit to undertake the difficult and dangerous task of building dual power. We must reject opportunism, we must name the democratic party as our enemy, we must rally around power directly in the hands of the socialist movement. We do not have a parallel system of soviets in the United States. We can change that. Someday the cry “all power to the soviets” will be heard again. Lets make it happen.

### 1NC---DA

Midterms DA:

#### Dems hold the Senate

Alter 2-11, [Jonathan Alter Author of books on FDR, Obama and Carter; journalist; MSNBC analyst; documentary filmmaker, How Democrats Can Win in November, 2022, https://oldgoats.substack.com/p/how-democrats-can-win-in-november?s=r]

For months, Democrats have been freaking out or curling up in the fetal position—depending on the day. They’re convinced a red tsunami will wash away their majority in the November midterms.

These snowflakes need to listen to Cher, who slaps Nicholas Cage in Moonstruck and yells, “Snap out of it.”

That’s because for all of the sobering news about inflation there’s hope on the horizon. This week, we learned that January 6th is becoming a genuine wedge issue in American politics—a source of division inside the Republican Party that has Democrats licking their chops. They will spend the rest of year (and likely longer) reminding voters that the official position of the GOP is that a violent attack on the Capitol was “legitimate political discourse.”

That astonishing gaffe by the Republican National Committee may transform the midterms from a referendum on President Biden to one on the nuttiness of the Republican Party.

And with a little imagination, 2022 can be sold as a prelude to 2024. This would tee up the question for independents and swing voters in the suburbs: Do you really want this crazy dictator who flushes documents down the toilet back in power, pardoning fascists who assaulted police and hung a noose for Mike Pence?

Pardons aren’t a good look for Republicans. The last time they surfaced in midterms was in 1974, when President Ford pardoned Richard Nixon and Democrats won in a landslide. The pardon was still an issue in 1976, when Jimmy Carter sent Ford packing.

I get that history is no comfort this year, thanks to the pendular quality of midterms. Only four times in the last century (1934, 1962, 1998, and 2002) has the party controlling the White House not lost House seats in midterm elections. In the other 20 contests, voters checked the incumbent president. With a 50-50 Senate and a mere five-vote Democratic margin in the House, even a slight check on President Biden would bring Republican control.

If Biden’s polling numbers don’t climb, it’s hard to see a path for Democrats in the House. But the approval ratings of Presidents Reagan, Clinton and Obama all languished in the 40s early in their presidencies before rising. And even without a Biden surge, the matchups today look fairly good for Democrats in the Senate, where Republicans are defending more vulnerable seats.

Recent weeks have brought cheering news for Democrats. Barring a nasty new Covid variant, the pandemic is receding. Job growth in Biden’s first year in office shattered all records. And the president looks stronger on foreign policy after U.S. forces killed the leader of ISIS, and NATO united behind his approach to containing Russia.

#### The plan angers donors, causing Dem losses

Short 21, [Nicholas Short Ph.D. Candidate, Government and Social Policy, Antitrust Reform in Political Perspective: A Constructive Critique for the Neo-Brandeisians, https://scholar.harvard.edu/files/nickshort/files/antitrust\_reform\_in\_political\_perspective.pdf]

Second, the Party has also become more dependent upon campaign contributions from affluent professionals with a concrete financial stake in lax antitrust enforcement. Figure 1 shows the total amount of campaign contributions to federal campaigns and committees (Panel A), as well as the Democratic share of that total (Panel B), from M&A professionals for each campaign cycle from 1980 through 2014. M&A professionals are considered to be those who listed their occupation as “investment banker” or “M&A advisor” in their donation disclosure or who are employed by a financial institution that was ranked amongst the top 25 producers of M&A advisory fees in the same years as the campaign cycle. Figure 1 shows that, by 2012, M&A professionals donated more than $30 million dollars in federal elections, and that Democratic candidates and committees garnered a majority of those donations in 10 out of those 18 elections. The numbers favor Democrats slightly more if one focuses on the total number of donors rather than total contributions, with more M&A professionals donating to Democratic candidates and committees in 13 out of these 18 elections (data not shown). Though M&A professionals are only a small subset of the financial industry, 111 Democrats perform comparably in the broad industry as a whole.112 And the decision whether or not to pursue more onerous regulation can have stark consequences. Some, for example, credit the drastic downturn in the Democratic share of financial industry contributions in 2010 with the Party’s decision to more aggressively regulate Wall Street in the wake of the financial crisis. 113

#### Senators only certified because there wasn’t a path. They’d come around if they could win

Faris 21, [Roosevelt University political science professor, The Republican Assault on Democracy is Worse Than You Think, May 28, https://washingtonmonthly.com/2021/05/28/the-republican-assault-on-democracy-is-worse-than-you-think/]

Barring that, it is critical that Democrats cling to one branch of Congress in both 2022 and 2024. The GOP gambit to object to Electoral Votes and throw the election into the House failed in large part because they needed a majority in both chambers to toss out the Electoral Votes from a particular state. While a majority of Republican senators never signed on to this malevolent project, the guess here is that this can mostly be attributed to the futility of the effort. If Republicans had the votes, many of the senators who refused to object would almost certainly have come around if they believed that the maneuver could have secured another term for Donald Trump.

#### The impact is civil war and global conflict

Eaton 21, [Three Retired Generals, Paul D. Eaton is a retired U.S. Army major general and a senior adviser to [VoteVets](https://votevets.org/). Antonio M. Taguba is a retired Army major general, with 34 years of active duty service. Steven M. Anderson is a retired brigadier general who served in the U.S. Army for 31 years, Opinion: 3 retired generals: The military must prepare now for a 2024 insurrection, *December 17*, https://www.washingtonpost.com/opinions/2021/12/17/eaton-taguba-anderson-generals-military/]

As we approach the first anniversary of the [deadly insurrection](https://www.washingtonpost.com/politics/interactive/2021/jan-6-insurrection-capitol/?itid=lk_inline_manual_4) at the U.S. Capitol, we — all of us former senior military officials — are increasingly concerned about the aftermath of the 2024 presidential election and the potential for lethal chaos inside our military, which would put all Americans at severe risk.

In short: We are chilled to our bones at the thought of a coup succeeding next time.

One of our military’s strengths is that it draws from our diverse population. It is a collection of individuals, all with different beliefs and backgrounds. But without constant maintenance, the potential for a military breakdown mirroring societal or political breakdown is very real.

[Paul D. Eaton discusses this piece in more detail on James Hohmann’s podcast, “Please, Go On.” Listen now.](https://www.washingtonpost.com/podcasts/please-go-on/could-a-coup-succeed-in-2024/?itid=lk_interstitial_manual_8)

The signs of potential turmoil in our armed forces are there. On Jan. 6, a disturbing number of veterans and active-duty members of the military took part in the attack on the Capitol. More than 1 in 10 of those charged in the attacks [had a service record](https://www.cnn.com/2021/05/28/politics/capitol-insurrection-veterans/index.html). A group of 124 retired military officials, under the name “Flag Officers 4 America,” released a letter [echoing Donald Trump’s false attacks](https://www.washingtonpost.com/politics/2021/05/15/former-military-leaders-criticized-election-administration-that-hurts-militarys-reputation/?itid=lk_inline_manual_9) on the legitimacy of our elections.

Recently, and perhaps more worrying, Brig. Gen. Thomas Mancino, the commanding general of the Oklahoma National Guard, [refused an order](https://www.washingtonpost.com/national-security/2021/11/17/vaccine-mandate-oklahoma-national-guard/?itid=lk_inline_manual_11) from President Biden mandating that all National Guard members be vaccinated against the [coronavirus](https://www.washingtonpost.com/coronavirus/?itid=lk_inline_manual_11). Mancino claimed that while the Oklahoma Guard is not federally mobilized, his commander in chief is [the Republican governor of the state](https://coffeeordie.com/oklahoma-guard-vaccine/), not the president.

The potential for a total breakdown of the chain of command along partisan lines — from the top of the chain to squad level — is significant should another insurrection occur. The idea of rogue units organizing among themselves to support the “rightful” commander in chief cannot be dismissed.

Early on Jan. 6, The Post's Kate Woodsome saw signs of violence hours before thousands of President Trump's loyalists besieged the Capitol. (Video: Joy Yi, Kate Woodsome/The Washington Post, Photo: John Minchillo/AP/The Washington Post)

Imagine competing commanders in chief — a newly reelected Biden giving orders, versus Trump (or another Trumpian figure) issuing orders as the head of a shadow government. Worse, imagine politicians at the state and federal levels illegally installing a losing candidate as president.

All service members take an oath to protect the U.S. Constitution. But in a contested election, with loyalties split, some might follow orders from the rightful commander in chief, while others might follow the Trumpian loser. Arms might not be secured depending on who was overseeing them. Under such a scenario, it is not outlandish to say a military breakdown could lead to civil war.

In this context, with our military hobbled and divided, U.S. security would be crippled. Any one of our enemies could take advantage by launching an all-out assault on our assets or our allies.

#### Senate loss blocks exec and judicial noms

Farber 22, [Sho Sato Professor of Law Co-Director, Center for Law, Energy & the Environment @ UC Berkeley, The Battle for the Senate, February 10, https://legal-planet.org/2022/02/10/the-battle-for-the-senate-2/]

Even without the House, control of the Senate matters for two reasons. The first reason involves appointments. If the Republicans gain control of the Senate, the Democrats will lose the ability to confirm federal judges and high-level executive officers. Federal judges have lifetime appointments. If the Democrats don’t get a chance to make judicial appointments for the rest of Biden’s term, that will hinder environmental causes in the long run. In the shorter term, the ability to confirm executive branch appointments matters in terms of how effectively Biden’s agency heads can be.

#### Ruins antitrust

Reardon 3-30, [Senate Democrats Look to Break Deadlock on Biden FTC and FCC Nominees, 2022, https://www.cnet.com/news/senate-democrats-look-to-break-deadlock-on-biden-ftc-and-fcc-nominees/]

Without the confirmation of Biden's nominees, the FTC and FCC have each been operating with split 2-2 commissions and no majority. This means that the agencies have been limited in what issues they can address, because controversial issues often split along party lines. The confirmation of Bedoya to the FTC and Sohn to the FCC would cement the Democratic majority at those agencies, allowing them address key issues.

## Case

### Turn---Turf Wars

#### DOJ/FTC cohesion strong now

Perlman 12-6, [Law360, DOJ Antitrust Chief Says Expect More Collaboration With FTC, 2021, https://www.law360.com/articles/1446059/doj-antitrust-chief-says-expect-more-collaboration-with-ftc]

Law360 (December 6, 2021, 5:39 PM EST) -- The newly minted head of the [U.S. Department of Justice Antitrust Division](https://www.law360.com/agencies/u-s-department-of-justice), Jonathan Kanter, said Monday his agency is on the same page as the [Federal Trade Commission](https://www.law360.com/agencies/federal-trade-commission) and that enforcers will work together on their priorities, including promoting competition in labor markets.  
Kanter's first public remarks as the assistant attorney general for antitrust came during the opening of a virtual workshop on labor market competition jointly hosted by the DOJ and FTC, an event he said demonstrates that the agencies are "truly in lockstep as we advance our shared mission to protect competition."  
"Effective coordination between the DOJ and FTC is one of the most powerful tools we have to protect competition and the competitive process," Kanter said. "When our agencies work together, our complementary skill sets and enforcement tools can be combined in a mutually beneficial manner."  
Kanter [took the helm](https://www.law360.com/articles/1441109) of the DOJ's Antitrust Division last month, after President Joe Biden took [longer than any president](https://www.law360.com/articles/1397109) in recent memory to tap someone to fill the role permanently. Biden's pick to lead the FTC, Lina Khan, received her [surprise elevation](https://www.law360.com/articles/1393931) in June and has been [making waves](https://www.law360.com/articles/1442373) with an effort to shake up the commission's [enforcement approach](https://www.law360.com/articles/1425851).  
Khan is known as an antitrust progressive who catapulted to attention through her work in academia and with the House antitrust subcommittee on large technology platforms such as [Google](https://www.law360.com/companies/google-llc), Facebook and [Amazon](https://www.law360.com/companies/amazon-com-inc). Her efforts at the FTC so far have included repealing guidance on the commission's use of its [unfair methods of competition](https://www.law360.com/articles/1399627) tool, as well as moves to streamline the rulemaking and investigation processes, all of which the Republican [commission members](https://www.law360.com/articles/1399627), some lawmakers and observers have opposed.  
The selection of Kanter, who made a name for himself as a prominent critic of Google, is seen as further indication that the Biden administration will take a tough approach to antitrust. On Monday, Kanter called his counterpart at the FTC a "bonafide rockstar and visionary" in the antitrust world and said he's among Khan's biggest fans.  
Kanter also noted Biden's [executive order in July](https://www.law360.com/articles/1401687) calling for agencies across the government to focus on competition issues and problems arising from corporate concentration, and said he's heartened that it called out labor markets specifically. The order, he said, recognizes that many of the economic problems faced by workers have their "roots in collusion and unfair practices in the labor markets" and in concentration.  
In addition to its own pending cases, the division has also started working with other agencies to tackle labor market issues, Kanter said, including through a review of [guidance issued jointly](https://www.law360.com/articles/863691) by the DOJ and FTC in 2016 for human resources professionals. That guidance warned that certain agreements to fix wages or to not hire each other's workers could be considered criminal antitrust violations in certain circumstances.  
The DOJ filed its first [criminal antitrust cases](https://www.law360.com/articles/1444352) targeting labor market issues following the guidance. But Kanter said Monday that it has "been interpreted by many as suggesting that certain kinds of data sharing are categorically immunized from antitrust scrutiny," which he said has "limited our enforcement flexibility."  
He also said some commentators have raised questions about whether the jointly issued horizontal merger guidelines apply to labor markets, but contended that they apply "just as much to labor markets as any other market and always have."  
Khan also spoke ahead of Monday's workshop, contending that the policy debate surrounding competition in labor markets has shifted over the past several years to focus more on how antitrust laws can be used to protect workers, rather than if they can or should.  
She said the commission is taking several steps to "re-calibrate" its approach to protecting workers, including by redoubling efforts to investigate transactions or conduct that impacts workers. She also noted that the FTC and DOJ are reviewing their merger guidelines as a result of Biden's executive order, saying that process "offers an opportunity to clarify and update how we assess a merger's potential effects on labor markets."  
The commission is also scrutinizing certain terms in employment contracts, Khan said, citing concerns raised by workers during one of the agency's open meetings about noncompete clauses and said enforcers are collecting comments about contract terms that might constitute unfair methods of competition.  
"I'm committed to considering the commission's full range of tools, including enforcement and rulemaking," she said.  
In addition, Khan said the FTC is also scrutinizing unfair or deceptive practices that might harm workers, saying that experience has shown some companies have become dominant or gained a competitive edge in part by engaging in such practices. In the tech industry especially, she said, "firms may determine that pursuing unfair or deceptive tactics is worth the cost of business, given that even an early lead could give them a long term advantage."  
Khan also stressed the importance of cooperation between the FTC and DOJ, saying that Congress intended the agencies to play complementary roles when it comes to antitrust enforcement.  
"Lawmakers granted each agency a unique, albeit occasionally overlapping, set of tools and authorities," she said. "It's important for us to boost our collective impact by coordinating and making use of our respective areas of institutional and comparative advantage."

#### New antitrust rules opens a clearance dispute between DOJ and FTC- assume normal means these are the only agencies w precedence to enforce antitrust w the examples they gave in cx

Peay 7, [J.D. Candidate, 2007, Vanderbilt University Law School, The Cautionary Tale of the Failed 2002 FTC/DOJ Merger Clearance Accord, <https://scholarship.law.vanderbilt.edu/cgi/viewcontent.cgi?article=1563&context=vlr>]

While the HSR Act detailed the framework of the premerger notification process, it did not specify how the two agencies were to determine which agency, if any, would pursue an investigation and suit against the merging parties. In fact, Congress explicitly delegated authority to the FTC and Antitrust Division to "define the terms used in this section; ... and prescribe such other rules as may be necessary and appropriate to carry out the purposes of this section."28 While most of the time, only one or neither of the agencies seeks to pursue an investigation, there are times when both wish to investigate the proposed merger. Decades before the HSR Act, "the clearance process resulted from a 1948 interagency agreement to determine whether the FTC or Antitrust Division is best suited to address a matter."29 Before either agency can open an investigation, the two agencies must agree which will conduct it. The broad delegation under the HSR to fill in the procedural blanks allowed the agencies to maintain control over the structure and implementation of the clearance process. 30

The HSR Act may not have provided any procedures for interagency division of responsibility for investigating mergers, but the premerger notification process it implemented created an environment that intensified the importance of a good working relationship between the Antitrust Division and the FTC. The HSR premerger notification requirements gave the agencies the tools necessary to learn of every proposed merger over a certain size and to mount a challenge against them successfully before the merging companies became hopelessly entangled. As the focus of antitrust enforcement began to shift, the agencies devoted more and more of their energies to investigating HSR mergers. In this context, the speed with which they could resolve any clearance disputes became even more important. Under the HSR Act, these investigations were constrained by statutorily enforced time limits. 31 If the agencies failed to resolve disputes in a timely fashion, they risked missing the only window of opportunity for thwarting the merger before it occurred.

#### Those deplete the account of goodwill and draw in agency leadership

Kovacic 12, [Global Competition Professor of Law and Policy, George Washington University Law School. From 2006 to 2011, Kovacic was a member of the Federal Trade Commission and chaired the agency from March 2008 to March 2009, ANTITRUST IN HIGH-TECH INDUSTRIES: IMPROVING THE FEDERAL ANTITRUST JOINT VENTURE, demotesturl.com/george-mason/wp-content/uploads/2014/03/08-Kovacic-Website.pdf]

A second difficulty with the DOJ-FTC clearance arrangement is that it creates temptations for the agencies to engage in manipulative conduct designed to appropriate specific matters. The principal currency for obtaining clearance is experience with the affected sector. The most important form of experience usually consists of the most recent previous inquiry involving the industry. Hence, to build its base of experience, an agency could be tempted to issue a broader second request in a merger or to conduct a wider investigation in a non-merger matter. Additionally, an agency might examine more products or ask for more information than it would otherwise. These forms of more expansive inquiries help extend the experience footprint that becomes the basis for the next clearance contest.

Clearance-related disagreements create a continuing source of institutional friction. Not every clearance matter involves hand-to-hand combat. Most are resolved without dispute. Yet the occasional instances of conflict—whether those conflicts occur once a month or every two months— deplete the account of goodwill between the agencies. Perceived instances of overreaching often confirm deep-seated suspicions that the other agency is deceitful and engage top leadership in debates that erode trust between the agencies.

#### Turf fears and diminished goodwill fragment all implementation

Trabucco 21, [J.D. Candidate, American University Washington College of Law (2022); B.A., Political Science, University of Mary Washington (2018)., IT’S A (VITAL) SIGN: HOW POST-COVIDIEN INTERAGENCY COLLABORATION CAN PREVENT FUTURE MEDICAL DEVICE SHORTAGES, https://administrativelawreview.org/wp-content/uploads/sites/2/2021/03/16.-ALR-73.1\_Trabucco-Comment\_FINAL.pdf]

The FTC has incorporated industry-specific concerns in its approach to merger review in other industries before, even within healthcare regarding hospitals and pharmaceuticals.145 For instance, in a joint statement issued by the DOJ and the FTC concerning preservation of competition in the defense industry, the agencies emphasized particular aspects of the industry crucial to merger review, like the importance of investment in research and development as well as the need for surge capacity.146 These are aspects clearly shared by the medical device industry. Since FTC has the capacity to cater to specific industries, why not medical devices?

C. Second Opinion: Mechanisms for Interagency Collaboration

Coordinating efforts and responses to goals, initiatives, or crises is difficult to achieve because all agencies “seek to preserve their autonomy and independence.”147 While collaboration is not a natural behavior for agencies, they can be incentivized to participate for political gain, by legal mandate, or for their own problem-solving interests.148 Through whatever mechanism it is achieved, interagency collaboration is necessary to address problems with interrelated causes and reduce policy fragmentation.149  
There are various means through which to achieve interagency integration.150 A relatively simple way to establish a working relationship between agencies is to facilitate an agreement for formal collaboration. Collaboration relies on discretionary participation among agency members who have parity in the participation agreement.151 A common example of interagency collaboration is a Memorandum of Understanding (MOU), which details the specific responsibilities of each agency.152 In this arrangement, neither department has direct control over the other; the functionality of the MOU relies on each department meeting its commitment in good faith.153

#### Clash ruins credible modelling

Crane 20, [Professor at University of Michigan Law School, Institutional Reforms and Agency Design, https://gaidigitalreport.com/2020/10/04/institutional-reform-and-agency-design/]

Unlike with respect to squabbling between the DOJ and FTC, it is not obvious that differences of opinion between federal and state officials diminish the prestige or influence of antitrust enforcement. The states should be expected to have different objectives, perspectives, ideological commitments, and political priorities than the federal government. The problem is more logistical in nature. Case prosecution is a core executive function (alas for the FTC, which isn’t supposed to be an executive agency!), and it is not ideal to have too many executives in charge of any function. Effective executive management requires flexibility, decisiveness, consistency, and the ability to bargain credibly with the defendant. All of these virtues are in short supply when too many law enforcers have a say in case management and resolution.

#### Infighting causes delay – anti-competitive conduct gets locked in

Hittinger and Herrold 19, [ Carl W. Hittinger (LAW ’79) is a senior partner and serves as BakerHostetler’s Antitrust and Competition Practice National Team Leader and the litigation group coordinator for the firm’s Philadelphia office. He concentrates his practice on complex commercial and civil rights trial and appellate litigation, with a particular emphasis on antitrust and unfair competition matters, including class actions. Tyson Y. Herrold is an associate in the firm’s Philadelphia office in its litigation group. His practice focuses on complex commercial litigation, particularly antitrust and unfair competition matters, as well as civil rights litigation. Antitrust Agency Turf War Over Big Tech Investigations, https://www2.law.temple.edu/10q/antitrust-agency-turf-war-over-big-tech-investigations/]

Lee asked Delrahim and Simons whether the FTC and DOJ were still operating under the “clearance system to avoid duplicative efforts or have things broken down on this front?” Simons responded, “for the vast majority of matters, we continue to operate under the existing clearance agreement,” but, upon further questioning, agreed with Lee that “things have broken down at least in part.” Delrahim added: “I cannot deny that there are instances where Chairman Simons’ and my time is wasted on those types of squabbles.”

Lee also quizzed the agency heads whether, hypothetically, if they were asked to provide “advice on setting up an antitrust regime in another country … that didn’t already have one, would you under any circumstances recommend that they follow the U.S. model and that they have two separate agencies responsible for civil antitrust enforcement?” Simons responded flatly: “No, I wouldn’t.” Delrahim remarked, “it would be hard to imagine a system being designed at the first instance like we have today.” He conceded: “It’s not the best model of efficiency.”

The Hazards of Clearance Disputes:

Disputes over clearance can have tangible adverse effects on enforcement. First, some have commented that delays caused by clearance disputes can narrow the efficacy of remedial options, particularly with mergers. As Sen. Richard Blumenthal has commented, “The Big Tech companies are not waiting for the agencies to finish their cases. They are structuring their companies so that you can’t unscramble the egg.” Structural remedies are favored by Delrahim, who has commented that alternative, behavioral remedies should be used sparingly: “The division has a strong preference for structural remedies over behavioral ones. … The Antitrust Division is a law enforcer and, even where regulation is appropriate, it is not equipped to be the ongoing regulator.”

### AT: Space War

#### No space war—interdependence checks.

Bragg et al 18—(principle research scientist at NSI, Inc. Lecturer in polisci @ Texas A&M). , July 2018.. Allison Astorino-Courtois. Robert Elder. Belinda Bragg. “Contested Space Operations, Space Defense, Deterrence, and Warfighting: Summary Findings and Integration Report,” NSI, <https://nsiteam.com/social/wp-content/uploads/2018/11/Space-SMA-Integration-Report-Space-FINAL.pdf>

Everyone needs space While the US may be relatively more dependent on space for national security than are other states, it is far from alone in relying on space. Nuclear armed states are dependent on space for important command and control functions, and major powers are increasingly using space for battlefield situational awareness and communications. China and Russia were identified as having significant (and fairly equal) levels of strategic risk in space (ViTTa Q16), although their regional security priorities and (to date) less spacedependent economies place them at an advantage to the US. They may, therefore, see the strategic risk of conflict is space as lower than does the US. Still, space capabilities remain a source of economic expansion and national pride for both, and their calculations of the cost of conflict involving space may include consideration of these factors. Even now, there is a general consensus that the US and other actors have more to gain from space than they have from the loss of space-based capabilities (ViTTa Q3). This suggests that, although the US is more vulnerable in the space domain than are other states, the likelihood that aggressive action against an adversary’s space assets would be reciprocated may provide a degree of security. It also creates another incentive for actors to use diplomacy and international law to reduce risk and increase transparency in the space domain.

#### Legal norms, empirics, costs.

Pavur and Martinovic 19 [James Pavur, DPhil Researcher Cybersecurity Centre for Doctoral Training Oxford University, Ivan Martinovic, Professor of Computer Science Department of Computer Science Oxford University, “The Cyber-ASAT: On the Impact of Cyber Weapons in Outer Space,” 2019 11th International Conference on Cyber Conflict: Silent Battle, <https://ccdcoe.org/uploads/2019/06/Art_12_The-Cyber-ASAT.pdf>] lr

3. STABILITY IN SPACE Given the uncomfortable combination of high dependency and low survivability, one might expect to observe frequent attacks against critical military assets in orbit. However, despite decades of recurring prophesies of impending space war, no such conflict has broken out [14]–[18]. It is true that a handful of space security crises have occurred; most notably, the 2007 Chinese anti-satellite weapon (ASAT) test and the 2008 US ASAT demonstration in response [19]. Moreover, a recent Centre for Strategic and International Studies report suggests increasing interest in attacking US space assets, particularly among the Chinese, Russian, North Korean and Iranian militaries [20]. Overall, however, the space domain has remained puzzlingly peaceful. In this section, we outline three major contributors to this enduring stability: limited accessibility, attributable norms, and environmental interdependence. A. Limited Accessibility Space is difficult. Over 60 years have passed since the first Sputnik launch and only nine countries (ten including the EU) have orbital launch capabilities. Moreover, a launch programme alone does not guarantee the resources and precision required to operate a meaningful ASAT capability. Given this, one possible reason why space wars have not broken out is simply because only the US has ever had the ability to fight one [21, p. 402], [22, pp. 419–420]. Although launch technology may become cheaper and easier, it is unclear to what extent these advances will be distributed among presently non-spacefaring nations. Limited access to orbit necessarily reduces the scenarios which could plausibly escalate to ASAT usage. Only major conflicts between the handful of states with ‘space club’ membership could be considered possible flashpoints. Even then, the fragility of an attacker’s own space assets creates de-escalatory pressures due to the deterrent effect of retaliation. Since the earliest days of the space race, dominant powers have recognized this dynamic and demonstrated an inclination towards de-escalatory space strategies [23]. B. Attributable Norms There also exists a long-standing normative framework favouring the peaceful use of space. The effectiveness of this regime, centred around the Outer Space Treaty (OST), is highly contentious and many have pointed out its serious legal and political shortcomings [24]–[26]. Nevertheless, this status quo framework has somehow supported over six decades of relative peace in orbit. Over these six decades, norms have become deeply ingrained into the way states describe and perceive space weaponization. This de facto codification was dramatically demonstrated in 2005 when the US found itself on the short end of a 160-1 UN vote after opposing a non-binding resolution on space weaponization. Although states have occasionally pushed the boundaries of these norms, this has typically occurred through incremental legal re-interpretation rather than outright opposition [27]. Even the most notable incidents, such as the 2007-2008 US and Chinese ASAT demonstrations, were couched in rhetoric from both the norm violators and defenders, depicting space as a peaceful global commons [27, p. 56]. Altogether, this suggests that states perceive real costs to breaking this normative tradition and may even moderate their behaviours accordingly. One further factor supporting this norms regime is the high degree of attributability surrounding ASAT weapons. For kinetic ASAT technology, plausible deniability and stealth are essentially impossible. The literally explosive act of launching a rocket cannot evade detection and, if used offensively, retaliation. This imposes high diplomatic costs on ASAT usage and testing, particularly during peacetime. C. Environmental Interdependence A third stabilizing force relates to the orbital debris consequences of ASATs. China’s 2007 ASAT demonstration was the largest debris-generating event in history, as the targeted satellite dissipated into thousands of dangerous debris particles [28, p. 4]. Since debris particles are indiscriminate and unpredictable, they often threaten the attacker’s own space assets [22, p. 420]. This is compounded by Kessler syndrome, a phenomenon whereby orbital debris ‘breeds’ as large pieces of debris collide and disintegrate. As space debris remains in orbit for hundreds of years, the cascade effect of an ASAT attack can constrain the attacker’s long-term use of space [29, pp. 295– 296]. Any state with kinetic ASAT capabilities will likely also operate satellites of its own, and they are necessarily exposed to this collateral damage threat. Space debris thus acts as a strong strategic deterrent to ASAT usage.

### AT: Harmonization

#### Convergence on antitrust goals is impossible.

Anu Bradford 11. Henry L. Moses Professor of Law and International Organization and director of the European Legal Studies Center at Columbia Law School, Senior Scholar at Columbia Business School’s Jerome A. Chazen Institute for Global Business, a nonresident scholar at Carnegie Endowment for International Peace, heads the Comparative Competition Law Project, was an Assistant Professor at the The University of Chicago Law School, practiced EU and antitrust law in Brussels, served as an adviser on economic policy in the Parliament of Finland, and served as an expert assistant at the European Parliament. “International Antitrust Cooperation and the Preference for Nonbinding Regimes”. COOPERATION, COMITY, AND COMPETITION POLICY, ANDREW T. GUZMAN, ED., OXFORD UNIVERSITY PRESS (2011). https://scholarship.law.columbia.edu/cgi/viewcontent.cgi?article=2966&context=faculty\_scholarship

States agree that competitive markets and antitrust laws are beneficial. However, they disagree on the particular goals and priorities of antitrust enforcement. States also acknowledge the necessity to coordinate antitrust enforcement across jurisdictions but fail to agree on the specifics. These conflicting views on a globally optimal antitrust regime amount to a distributional conflict. A distributional conflict arises when the costs and the benefits of an international antitrust agreement are unevenly distributed among states, and when states therefore cannot agree on the focal point of coordination. 21 The long-standing distributional conflict between the United States and the EU is one of the principal impediments for a binding international antitrust agreement. Both the United States and the EU acknowledge the efficiencies that international antitrust cooperation could generate, but disagree as to the optimal content, the legal form, and the institutional framework of cooperation. 22 The U.S.-EU disagreement stems from some key differences that persist between the United States and the EU despite the increasing alignment of their antitrust laws over the last decade. 23 The United States and the EU agree that antitrust laws seek to maximize consumer welfare. However, social considerations, such as promotion of employment or protection of small enterprises, still play a role at the margins of the EU antitrust analysis. The EU also employs its antitrust laws to further European integration. Antitrust laws ensure that anticompetitive practices of private enterprise do not frustrate the efforts to remove trade barriers within the EU. This market integration goal has led to a more interventionist enforcement policy vis-à-vis vertical agreements, in particular territorial restraints that threaten to partition the common market. The EU is also more skeptical of market power and has a lower threshold in bringing cases against dominant companies ( see decisions against Microsoft and Intel). Similarly, the EU has also historically taken a harsher view towards vertical and conglomerate mergers ( see GE/Honeywell). While there is increasing convergence between the two key antitrust jurisdictions today, these remaining differences have led the United States and the EU to endorse international convergence each toward their respective antitrust laws. 24 The United States and the EU also disagree on the optimal institutional framework for antitrust cooperation. The EU supports a binding WTO antitrust agreement. This is consistent with the EU’s view that antitrust and trade policies are intrinsically linked. The United States, on the other hand, fears that antitrust would lose its exclusive focus on consumer welfare when enmeshed with trade policy considerations in the WTO. Instead, the United States has promoted antitrust cooperation within the ICN, which allows antitrust enforcers to cooperate without interference from the trade community. In addition to the U.S.-EU controversy, disagreement between developed countries and developing countries regarding the content and the costs of a prospective antitrust agreement has obstructed cooperation efforts. 25 Developed countries want to “level the playing field” by enhancing multinational corporations’ (“MNCs”) access to the developing-country markets. Developed countries also seek to reduce transaction costs involved in MNCs’ cross-border business transactions. 26 In contrast, developing countries are concerned about their inability to control the anticompetitive conduct of MNCs in their markets. 27 Developing countries also resist the idea of a level playing field, maintaining that they need to be able to shield their small domestic corporations from larger MNCs. Developing countries struggling with capacity constraints have also opposed WTO antitrust agreement because of the regulatory burden that new international obligations would impose on them. 28 Consequently, a critical impediment to antitrust cooperation is the diffi culty of overcoming the distributional confl ict between the United States and the EU on one hand, and the developed countries and the developing countries on the other. These distributional tensions have narrowed the scope for any feasible international agreement.

### AT: Res Wars

#### No resource wars

Tetrais 12 [Bruno Tetrais 12, Senior Research Fellow at the Fondation pour la Recherche Stratgique, former Director, Civilian Affairs Committee, NATO Assembly, “The Demise of Ares,” 2012, csis.org/files/publication/twq12SummerTertrais.pdf]

The Unconvincing Case for ‘‘New Wars’’ Is the demise of war reversible? In recent years, the metaphor of a new ‘‘Dark Age’’ or ‘‘Middle Ages’’ has flourished. 57 The rise of political Islam, Western policies in the Middle East, the fast development of emerging countries, population growth, and climate change have led to fears of ‘‘civilization,’’ ‘‘resource,’’ and ‘‘environmental’’ wars. We have heard the New Middle Age theme before. In 1973, Italian writer Roberto Vacca famously suggested that mankind was about to enter an era of famine, nuclear war, and civilizational collapse. U.S. economist Robert Heilbroner made the same suggestion one year later. And in 1977, the great Australian political scientist Hedley Bull also heralded such an age. 58 But the case for ‘‘new wars’’ remains as flimsy as it was in the 1970s. Admittedly, there is a stronger role of religion in civil conflicts. The proportion of internal wars with a religious dimension was about 25 percent between 1940 and 1960, but 43 percent in the first years of the 21st century. 59 This may be an effect of the demise of traditional territorial conflict, but as seen above, this has not increased the number or frequency of wars at the global level. Over the past decade, neither Western governments nor Arab/Muslim countries have fallen into the trap of the clash of civilizations into which Osama bin Laden wanted to plunge them. And ‘‘ancestral hatreds’’ are a reductionist and unsatisfactory approach to explaining collective violence. Professor Yahya Sadowski concluded his analysis of post-Cold War crises and wars, The Myth of Global Chaos, by stating, ‘‘most of the conflicts around the world are not rooted in thousands of years of history --- they are new and can be concluded as quickly as they started.’’ 60 Future resource wars are unlikely. There are fewer and fewer conquest wars. Between the Westphalia peace and the end of World War II, nearly half of conflicts were fought over territory. Since the end of the Cold War, it has been less than 30 percent. 61 The invasion of Kuwait a nationwide bank robbery may go down in history as being the last great resource war. The U.S.-led intervention of 1991 was partly driven by the need to maintain the free flow of oil, but not by the temptation to capture it. (Nor was the 2003 war against Iraq motivated by oil.) As for the current tensions between the two Sudans over oil, they are the remnants of a civil war and an offshoot of a botched secession process, not a desire to control new resources. China’s and India’s energy needs are sometimes seen with apprehension: in light of growing oil and gas scarcity, is there not a risk of military clashes over the control of such resources? This seemingly consensual idea rests on two fallacies. One is that there is such a thing as oil and gas scarcity, a notion challenged by many energy experts. 62 As prices rise, previously untapped reserves and non-conventional hydrocarbons become economically attractive. The other is that spilling blood is a rational way to access resources. As shown by the work of historians and political scientists such as Quincy Wright, the economic rationale for war has always been overstated. And because of globalization, it has become cheaper to buy than to steal. We no longer live in the world of 1941, when fear of lacking oil and raw materials was a key motivation for Japan’s decision to go to war. In an era of liberalizing trade, many natural resources are fungible goods. (Here, Beijing behaves as any other actor: 90 percent of the oil its companies produce outside of China goes to the global market, not to the domestic one.) 63 There may be clashes or conflicts in regions in maritime resource-rich areas such as the South China and East China seas or the Mediterranean, but they will be driven by nationalist passions, not the desperate hunger for hydrocarbons.

### AT: China

#### No U.S.-China war---laundry list.

Norrlof ’21 [Carla; March 23; Visiting Professor at the Finnish Institute of International Affairs in Helsinki, Senior Fellow at The Atlantic Council and at Massey College, Associate Professor at the University of Toronto, and Research Associate at The Graduate Institute of Geneva; The Washington Quarterly, “The Ibn Khaldûn Trap and Great Power Competition with China,” vol. 44]

The return of great power rivalry has been the defining feature of the 21st century. Since the beginning of the new millennium, China and Russia have openly defied the United States and upset the stability of the liberal international order. Both China and Russia share physical and material attributes possessed by the United States that are traditionally required for great power status: land mass, a sea portal, a large population, and technology to field and develop a competitive military capability. Most scholars and policymakers agree that China presents the largest challenge to US interests and the US-led liberal international order. Economic and military growth in China has been astounding, surpassing Russian expansion. China’s outward extension is not primarily resource-based as is Russia’s but multidimensional, posing a structural challenge to US military and economic dominance.

Much ink has been spilled over the nature of US-China rivalry and whether the two great powers are destined for war. Structural factors figure prominently when predicting US-China relations. A famous deadly Greek trap describes how the fear of a hegemonic power sparks catastrophic war with a rising power. In the History of the Peloponnesian War, Thucydides writes, “What made war inevitable was the growth of Athenian power and the fear which this caused in Sparta.” 1 Thucydides’ statement has been widely adopted as a metaphor for the dangers associated with great-power transition. Both A.F.K. Organski’s power transition theory and Robert Gilpin’s realism see great-power wars as most likely to occur when a rising challenger is about to surpass a declining hegemonic power. 2 Today, the Thucydides Trap is highly relevant insofar as we have a clear incumbent power, the United States, and according to many measures of great powerhood, a clear rising power—China—with military, manufacturing, and commercial, and corporate power.

However, the analogy mismatches international hierarchy and regime type. In classical times, the incumbent land power, Sparta, was the authoritarian power who feared the rise of the democratic maritime power, Athens.3 This incongruity is not even the biggest problem with the analogy. In order for the Thucydides Trap to apply, China would have to significantly narrow the power gap with the United States. While China has caught up with the United States in important respects, it has not caught up with the United States in terms of the logic and networks that inform dominance in the key economic and security areas required for power transition.4 Apart from the obvious inhibiting factors of nuclear weapons and economic interdependence, the United States and China are nowhere close to the power parity likely to spark a major power war between them. The Thucydides Trap is a powerful analogy for bellicose dynamics between a hegemonic power and a rising power, but in the near term, war between the United States and China for the reasons proposed in the Thucydidean analogy is highly unlikely.

### AT: Taiwan

#### China won’t attack Taiwan. They perceive deterrence, intervention, geography, readiness, and economic factors as too big to risk.

- China military weak

- Even if it succeeds, China will spend trillions rebuilding and unifying Taiwan

- US and other country intervention solves

- China not preparing

- Taiwan geography – 14 small beaches and cliffs

- Assumptions wrong – deterrence solves

- Failed invasion turns econ

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More than two months after U.S. combat troops formally withdrew from Afghanistan, ending a disastrous and failed 20-year war, one might expect that the war drums of U.S. foreign policy commentators would be getting a rest. Instead, a new potential target has been identified: a Chinese invasion of Taiwan. Ever since the Communists seized control of China in 1949 and the Nationalist government, led by Chiang-Kai-shek, fled across the Taiwan Straits, China has repeatedly called for the reunification of Taiwan and China. These demands have generally emphasized a desire for “peaceful reunification,” but Beijing has also warned that a Taiwanese declaration of independence would lead to war. The United States has long played a key role in the territorial dispute. It initially signed a bilateral defense agreement with Taiwan in 1954 and over the years supplied the island with armaments. Even after recognizing the Chinese Communist government in Beijing in 1979, the U.S. has adhered to position of “strategic ambiguity” when it comes to the question of an American response to a Chinese attack on Taiwan. The flames have been fanned by a host of military figures and foreign policy pundits. But today, with U.S.-Chinese relations at one of the lowest points in recent memory—and as the Chinese military takes increasingly provocative military actions toward Taiwan—the fears of war have increased. So, too, have the calls for the U.S. to ratchet up its efforts to defend Taiwan, including the potential use of military force. The flames have been fanned by a host of military figures and foreign policy pundits. Admiral Philip Davidson, commander of U.S. military forces in the Pacific, got the party started last March when he warned a Senate committee that China could invade Taiwan “in the next six years.” Writing in The Wall Street Journal, former Trump Defense official Elbridge Colby ramped up the threat-mongering by declaring, “Beijing has made clear it is willing to use force to take Taiwan.… And this isn’t mere talk. The Chinese military has rehearsed amphibious attacks, and commercial satellite imagery shows that China practices large-scale attacks on U.S. forces in the region.” In the Bible of the foreign policy establishment, Foreign Affairs, Orianna Skylar Mastro, a fellow at Stanford University’s Freeman Spogli Institute for International Studies, warned that “whereas Chinese leaders used to view a military campaign to take the island as a fantasy, now they consider it a real possibility.” Yes, China could invade Taiwan, says the Heritage Foundation. And Taiwan’s top defense official—perhaps not surprisingly—warned recently that China will be able to mount a “full-scale” invasion of Taiwan by 2025. Some U.S. policymakers have taken these warnings to heart. Arkansas Senator Tom Cotton has called for the U.S. to end its policy of “strategic ambiguity” and make clear its willingness to defend Taiwan against a Chinese invasion. Former U.S. Ambassador to the United Nations Nikki Haley warned recently that “if China takes control of Taiwan, Beijing will be emboldened to seize other territories around the globe” and called on the U.S. to increase pressure on China, including a boycott of the 2022 Winter Olympics scheduled to be held in Beijing. But how legitimate are these fears? Is the prospect of a Chinese invasion of Taiwan a serious and urgent concern? The answer is “not very.” And it’s a view, ironically, endorsed by the Pentagon. Earlier this month, the Defense Department released its annual report to Congress on “Military and Security Developments Involving the People’s Republic of China.” While the report lays out the ways in which China’s “People’s Liberation Army” is seeking to modernize its forces, the threat to Taiwan of armed invasion is still minimal at best: Large-scale amphibious invasion is one of the most complicated and difficult military operations, requiring air and maritime superiority, the rapid buildup and sustainment of supplies onshore, and uninterrupted support. An attempt to invade Taiwan would likely strain PRC’s armed forces and invite international intervention. These stresses, combined with the PRC’s combat force attrition and the complexity of urban warfare and counterinsurgency, even assuming a successful landing and breakout, make an amphibious invasion of Taiwan a significant political and military risk. One might expect that a country intent on launching the largest and most difficult amphibious invasion in history would be making intense preparations. That’s not happening. As the Pentagon report notes, Chinese naval investments have focused on building up the capacity to launch “regional and eventually global expeditionary missions rather than the large number of landing ship transports and medium landing craft that would be necessary for a large-scale direct beach assault.” The Pentagon also finds that while China is focusing on conducting joint operations that involve forces from the army, navy, and air force, as of present it currently lacks such capabilities. The soldiers and officers who make up China’s military today have virtually no direct combat experience. That the Chinese military enjoys vast military superiority vis-à-vis Taiwan is not in doubt. But that such resources can be used to mount an amphibious assault is something else altogether. The Chinese military last fought a war in 1979 against Vietnam, and the PLA was badly bloodied. That means that the soldiers and officers who make up China’s military today have virtually no direct combat experience. China’s own media outlets have, according to the Pentagon, noted the PLA’s shortcomings, which include that “commanders cannot (1) judge situations; (2) understand higher authorities’ intentions; (3) make operational decisions; (4) deploy forces; and, (5) manage unexpected situations.” These problems would be challenging enough in a conventional conflict. For a complex invasion of Taiwan, they would render such efforts virtually impossible. One big reason is that Taiwan is about as inhospitable an environment as can be imagined for an amphibious invasion. Ian Easton, a defense expert who has written extensively about Taiwan defense strategy, wrote earlier this year that the country’s “coastal terrain … is a defender’s dream come true. Taiwan has only 14 small invasion beaches, and they are bordered by cliffs and urban jungles.” Easton also notes that “many of Taiwan’s outer islands bristle with missiles, rockets, and artillery guns. Their granite hills have been honeycombed with tunnels and bunker systems.” A Chinese invasion of Taiwan would look more like the World War II Marine assaults on the rough and unforgiving terrain of Pacific islands than it would D-Day (which was no walk in the park, either) but against an exponentially more competent and technologically advanced military. Even if somehow China were successful in invading Taiwan and occupying the island, it would then find itself in the position of having to pacify and potentially rebuild an advanced nation of 23 million people (two million of whom are members of the nation’s military reserves). Putting aside the virtually insurmountable military obstacles, there’s the larger issue of how the U.S. and other nations in the region would respond (in recent weeks, Japanese leaders have made clear their determination to help Taiwan in the wake of Chinese invasion). The U.S. could play a decisive role, even without boots on the ground in Taiwan. For example, American naval and air forces could wreak havoc on Chinese supply lines. As Rachel Esplin Odell and Eric Heginbotham wrote recently in Foreign Affairs (in response to Skylar Mastro): “To seize control of the island, China would need to keep its fleet off Taiwan’s coast for weeks, creating easy targets for antiship cruise missiles launched from Taiwan or from U.S. bombers, fighter aircraft, and submarines.” Ultimately, no one knows what the U.S. would do in response to a Chinese attack. In recent months, President Biden has twice publicly stated that the U.S. will defend Taiwan, which rhetorically goes so beyond the long-held policy of “strategic ambiguity” that the White House has been forced to walk back his comments. But even if Biden got too far out on his skis, his misstatements create even further confusion for China about U.S. intentions. Those who are argue that China could invade Taiwan are assuming that Beijing would willingly initiate a conflict that could lead, potentially, to the involvement of the world’s strongest military, backed by thousands of nuclear weapons. Such assumptions throw the entire notion of deterrence on its head. Lastly, there are the political and financial costs. If China were to attack Taiwan, it would require the mobilization of millions of its citizens and billions, or even trillions, in spending simply to prepare for war. Success would bring with it an even larger price tag for rebuilding Taiwan and integrating the island into China. Anything other than complete military success and acquiescence by the international community would reap an ill wind for Chinese leaders. Economic isolation; interruption of trade ties that have been essential to China’s economic growth over the past two decades; and a generation, if not more, of mistrust and hostility from the U.S., China’s Asian neighbors, and likely the international community would almost certainly be the result. A Chinese invasion of Taiwan that was anything but a success would likely leave the nation politically isolated, economically damaged, and reputationally ~~crippled~~. A Chinese invasion of Taiwan that was anything but a success would likely leave the nation politically isolated, economically damaged, and reputationally crippled. And ironically, a failed attack could lead to a Taiwanese declaration of independence—one that China would be incapable of stopping. All that, at a time when the Chinese economy is facing a collection of economic headwinds—from an energy crunch and a growing real estate crisis to slowing economic growth. There are other force options available to China’s leaders. The aforementioned Pentagon report notes the potential for an “Air and Maritime Blockade,” “Limited Force or Coercive Options,” and an “Air and Missile Campaign.” But all of these bring with them similar negative political and economic consequences. China could also ramp up the military provocations that have been increasing since 2020, moves that have included Chinese aircraft repeatedly violating Taiwan’s Air Defense Identification Zone and have refuted the existence of a so-called “median line” in the Taiwan Strait. But these moves should be seen in more straightforward terms: an effort to deter Taiwan from taking further steps toward declaring independence. Those warning of a Chinese invasion would be wise to consider Xi Jingping’s most recent statements about Taiwan. In Beijing’s readout of the meeting this week between Biden and Xi, it states, in regard to Taiwan, “We have patience and will strive for the prospect of peaceful reunification with utmost sincerity and efforts.” At the same time, the statement makes clear, “Should the separatist forces for Taiwan independence provoke us, force our hands, or even cross the red line, we will be compelled to take resolute measures.” As M. Taylor Fravel, a professor of political science and director of the Security Studies Program at the Massachusetts Institute of Technology, notes, this is consistent with Beijing’s long-standing political-military strategy for Taiwan. “In the simplest terms,” says Fravel, China “seeks to deter Taiwan from declaring independence (and perhaps the U.S. from supporting it), and use military threats toward this end, but not compel unification by force. Military power and interdependence are part of the equation, but they are not the core of the policy that China is now pursuing.” In Fravel’s view, not only are the costs of invading Taiwan high, it’s not Beijing’s “preferred approach for achieving unification.” After all, Fravel notes, “the people of Taiwan are described as ‘compatriots’ and not enemies.” The U.S. can play a useful role in maintaining the ambiguous status quo. Since 1979, the U.S. has adhered to a “one China” policy, which views Beijing as the sole legitimate government of China. The U.S. would do well to make clear that this policy remains in place, while at the same time maintaining its position of “strategic ambiguity” and discouraging any provocative moves by Taiwan toward independence. But above all, the Biden administration needs to ignore the alarmist rhetoric of those warning that a Chinese invasion is imminent or even reading too much into China’s provocations. Even if it wanted to, China is not about to invade Taiwan.