# 1NC vs

## 1

### 1nc – t

#### Interpretation: the aff cannot specify a type of space appropriation

#### Bare plurals imply a generic “rules reading” in the context of moral statements

Cohen 1 — (Ariel Cohen, Professor of Linguistics @ Ben-Gurion University of the Negev, PhD Computational Linguistics from Carnegie Mellon University, “On the Generic Use of Indefinite Singulars”. Journal of Semantics 18: 183-209, Oxford University Press, 2001, accessed 12-7-20, HKR-AM) \*\*BP = bare plurals

According to the rules and regulations view, on the other hand, generic sentences do not get their truth or falsity as a consequence of properties of individual instances. Instead, generic sentences are evaluated with regard to rules and regulations, which are basic, irreducible entities in the world. Each generic sentence denotes a rule; if the rule is in effect, in some sense (different theories suggest different characterizations of what it means for a rule to be in effect), the sentence is true, otherwise it is false. The rule may be physical, biological, social, moral, etc. The paradigmatic cases for which this view seems readily applicable are sentences that refer to conventions, i.e. man-made, explicit rules and regulations, such as the following example (Carlson 1995: 225):

(40) Bishops move diagonally.

Carlson describes the two approaches as a dichotomy: one has to choose one or the other, but not both. One way to decide which approach to choose is to consider a case where the behavior of observed instances conflicts with an explicit rule. Indeed, Carlson discusses just such a case. He describes a supermarket where bananas sell for $0.49/lb, so that (41a) is true. One day, the manager decides to raise the price to $1.00/lb. Immediately after the price has changed, claims Carlson, sentence (41a) becomes false and sentence (41b) becomes true, although the overwhelming majority of sold bananas were sold for $0.49/lb.

(41) a. Bananas sell for $0.49/lb.

b. Bananas sell for $1.00/lb.

Consequently, Carlson reaches the conclusion that the rules and regulations approach is the correct one, whereas the inductivist view is wrong.

While I share Carlson’s judgements, I do not accept the conclusion he draws from them. Suppose the price has, indeed, changed, but the supermarket employs incompetent cashiers who consistently use the old price by mistake, so that customers are still charged $0.49/lb. In this case, I think there is a reading of (41a) which is true, and a reading of (41b) which is false. These readings are more salient if the sentence is modified by expressions such as actually or in fact:

(42) a. Bananas actually sell for $0.49/lb.

b. In fact, bananas sell for $1.00/lb.

BP generics, I claim, are ambiguous: on one reading they express a descriptive generalization, stating the way things are. Under the other reading, they carry a normative force, and require that things be a certain way. When they are used in the former sense, they should be analysed by some sort of inductivist account; when they are used in the latter sense, they ought to be analysed as referring to a rule or a regulation. The respective logical forms of the two readings are different; whereas the former reading involves, in some form or another, quantification, the latter has a simple predicate-argument structure: the argument is the rule or regulation, and the predicate holds of it just in case the rule is ‘in effect’.

#### Violation—they specified antitrust

#### Vote neg for predictable limits—specifying a type of appropriation offers a huge explosion in the topic since they get permutations of hundreds of appropriations. Limits explodes neg prep burden and draws un-reciprocal lines of debate, where the aff is always ahead.

#### Competing interps – reasonability is arbitrary and invites intervention

#### No RVI’s – Forces the 1NC to go all-in on Theory which kills substance education,

Don’t eval theory after the 1ar - abuse

## 2

### 1nc – theory

#### Interpretation: Debaters must disclose all constructive positions on open source with highlighting on the 2021-22 NDCA LD wiki after the round in which they read them. If they claim that the wiki was down, they need to be available for contact via their social media or any method that we could reasonably use without having wiki access. And if they claim that they for some reason cannot, their coach must disclose the AFF when contacted. After going through this process, we need the AFF within 20 minutes of the debate.

#### Violation – they don’t – we emailed using the email on their Wiki account, we Messengered, we Snapchatted, and we tried to call several times. We Messengered Elmer, who's his head coach, and he said he wouldn't be able to disclose for him but would text Nathan. We also messaged other ElmersWorld kids, but only got the AFF at 1:20. We started trying to contact at 1:05. To make this abundantly clear: Nathan didn't answer repeated emails, calls, and contact attempts over several social media platforms. Elmer was directly asked for the AFF, but refused to give us a 1AC. Other ElmersWorld people we got in contact with claimed they prepped separately and couldn't even contact Nathan for us. We received disclosure 10 minutes before via the email on their wiki, but since the wiki was down for us as well we couldn't get to that email until the wiki finally loaded at 1:17. There wasn't a single Jan-Feb position disclosed on the Wiki. We have screenshots of all of this, but because it would be 10+ screenshots in total, we'll send them if asked but aren't putting them in the doc.

A screenshot of a computer screen

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#### 1] Evidence ethics – open source and disclosing on time is the only way to verify pre-round that cards aren’t miscut or highlighted or bracketed unethically. That’s a voter – maintaining ethical ev practices is key to being good academics and we should be able to verify you didn’t cheat

#### 2] Depth of clash – it allows debaters to have nuanced researched objections to their opponents evidence before the round at a much faster rate, which leads to higher quality ev comparison – outweighs cause thinking on your feet is NUQ but the best quality responses come from full access to a case.

#### c/a paradigm issues

## 3

### 1nc – t

#### Interpretation – the affirmative must only garner offense from the defending the appropriation of outer space by private entities is unjust.

#### Violation – They defend creating a new legal regime and the plan as an effect of the legal regime. Their plan also says the US should implement an external legal regime in accords with the OST – at best, that’s effects T

#### Extra-T and effects T is a voting issue for fairness and education it makes being negative impossible

#### Clash – they circumvent clash by justifying adding on anything onto the resolution – its not what they do its what they justify – clash is the most portable skill in debate because it’s the only unique advantage to the activity that can’t be solved anywhere else. Our interp is key to third and fourth level testing of the aff which results in more rigorous and nuanced debates

## 4

### 1nc – theory

#### Interpretation: the affirmative must not misdisclose the 1AC.

#### Violation – they did: the doc they sent:

A picture containing text

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#### Their 1AC -

Table

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#### Vote neg for academic dishonesty – NOWHERE in the ss above did they communicate to me that it was a “changed” aff even after they disclosed after they were supposed to – justifies cheating and other repugnant things like clipping which are repugnant and destroy engagement with their offen se

## 5

### 1nc – k

#### Settler colonialism is the ontological permeating structure of the nation-state which requires the elimination of indigenous life and land via the occupation of settlers. The appropriation of land turns Natives into ghosts and chattel slaves into excess labor.

Tuck and Yang 12

(Eve Tuck, Unangax, State University of New York at New Paltz K. Wayne Yang University of California, San Diego, Decolonization is not a metaphor, Decolonization: Indigeneity, Education & Society Vol. 1, No. 1, 2012, pp. 1-40, JKS)

Our intention in this descriptive exercise is not be exhaustive, or even inarguable; instead, we wish to emphasize that (a) decolonization will take a different shape in each of these contexts - though they can overlap - and that (b) neither external nor internal colonialism adequately describe the form of colonialism which operates in the United States or other nation-states in which the colonizer comes to stay. Settler colonialism operates through internal/external colonial modes simultaneously because there is no spatial separation between metropole and colony. For example, in the United States, many Indigenous peoples have been forcibly removed from their homelands onto reservations, indentured, and abducted into state custody, signaling the form of colonization as simultaneously internal (via boarding schools and other biopolitical modes of control) and external (via uranium mining on Indigenous land in the US Southwest and oil extraction on Indigenous land in Alaska) with a frontier (the US military still nicknames all enemy territory “Indian Country”). The horizons of the settler colonial nation-state are total and require a mode of total appropriation of Indigenous life and land, rather than the selective expropriation of profit-producing fragments. Settler colonialism is different from other forms of colonialism in that settlers come with the intention of making a new home on the land, a homemaking that insists on settler sovereignty over all things in their new domain. Thus, relying solely on postcolonial literatures or theories of coloniality that ignore settler colonialism will not help to envision the shape that decolonization must take in settler colonial contexts. Within settler colonialism, the most important concern is land/water/air/subterranean earth (land, for shorthand, in this article.) Land is what is most valuable, contested, required. This is both because the settlers make Indigenous land their new home and source of capital, and also because the disruption of Indigenous relationships to land represents a profound epistemic, ontological, cosmological violence. This violence is not temporally contained in the arrival of the settler but is reasserted each day of occupation. This is why Patrick Wolfe (1999) emphasizes that settler colonialism is a structure and not an event. In the process of settler colonialism, land is remade into property and human relationships to land are restricted to the relationship of the owner to his property. Epistemological, ontological, and cosmological relationships to land are interred, indeed made pre-modern and backward. Made savage. In order for the settlers to make a place their home, they must destroy and disappear the Indigenous peoples that live there. Indigenous peoples are those who have creation stories, not colonization stories, about how we/they came to be in a particular place - indeed how we/they came to be a place. Our/their relationships to land comprise our/their epistemologies, ontologies, and cosmologies. For the settlers, Indigenous peoples are in the way and, in the destruction of Indigenous peoples, Indigenous communities, and over time and through law and policy, Indigenous peoples’ claims to land under settler regimes, land is recast as property and as a resource. Indigenous peoples must be erased, must be made into ghosts (Tuck and Ree, forthcoming). At the same time, settler colonialism involves the subjugation and forced labor of chattel slaves, whose bodies and lives become the property, and who are kept landless. Slavery in settler colonial contexts is distinct from other forms of indenture whereby excess labor is extracted from persons. First, chattels are commodities of labor and therefore it is the slave’s person that is the excess. Second, unlike workers who may aspire to own land, the slave’s very presence on the land is already an excess that must be dis-located. Thus, the slave is a desirable commodity but the person underneath is imprisonable, punishable, and murderable. The violence of keeping/killing the chattel slave makes them deathlike monsters in the settler imagination; they are reconfigured/disfigured as the threat, the razor’s edge of safety and terror. The settler, if known by his actions and how he justifies them, sees himself as holding dominion over the earth and its flora and fauna, as the anthropocentric normal, and as more developed, more human, more deserving than other groups or species. The settler is making a new "home" and that home is rooted in a homesteading worldview where the wild land and wild people were made for his benefit. He can only make his identity as a settler by making the land produce, and produce excessively, because "civilization" is defined as production in excess of the "natural" world (i.e. in excess of the sustainable production already present in the Indigenous world). In order for excess production, he needs excess labor, which he cannot provide himself. The chattel slave serves as that excess labor, labor that can never be paid because payment would have to be in the form of property (land). The settler's wealth is land, or a fungible version of it, and so payment for labor is impossible.6 The settler positions himself as both superior and normal; the settler is natural, whereas the Indigenous inhabitant and the chattel slave are unnatural, even supernatural. Settlers are not immigrants. Immigrants are beholden to the Indigenous laws and epistemologies of the lands they migrate to. Settlers become the law, supplanting Indigenous laws and epistemologies. Therefore, settler nations are not immigrant nations (See also A.J. Barker, 2009). Not unique, the United States, as a settler colonial nation-state, also operates as an empire - utilizing external forms and internal forms of colonization simultaneous to the settler colonial project. This means, and this is perplexing to some, that dispossessed people are brought onto seized Indigenous land through other colonial projects. Other colonial projects include enslavement, as discussed, but also military recruitment, low-wage and high-wage labor recruitment (such as agricultural workers and overseas-trained engineers), and displacement/migration (such as the coerced immigration from nations torn by U.S. wars or devastated by U.S. economic policy). In this set of settler colonial relations, colonial subjects who are displaced by external colonialism, as well as racialized and minoritized by internal colonialism, still occupy and settle stolen Indigenous land. Settlers are diverse, not just of white European descent, and include people of color, even from other colonial contexts. This tightly wound set of conditions and racialized, globalized relations exponentially complicates what is meant by decolonization, and by solidarity, against settler colonial forces. Decolonization in exploitative colonial situations could involve the seizing of imperial wealth by the postcolonial subject. In settler colonial situations, seizing imperial wealth is inextricably tied to settlement and re-invasion. Likewise, the promise of integration and civil rights is predicated on securing a share of a settler-appropriated wealth (as well as expropriated ‘third-world’ wealth). Decolonization in a settler context is fraught because empire, settlement, and internal colony have no spatial separation. Each of these features of settler colonialism in the US context - empire, settlement, and internal colony - make it a site of contradictory decolonial desires7. Decolonization as metaphor allows people to equivocate these contradictory decolonial desires because it turns decolonization into an empty signifier to be filled by any track towards liberation. In reality, the tracks walk all over land/people in settler contexts. Though the details are not fixed or agreed upon, in our view, decolonization in the settler colonial context must involve the repatriation of land simultaneous to the recognition of how land and relations to land have always already been differently understood and enacted; that is, all of the land, and not just symbolically. This is precisely why decolonization is necessarily unsettling, especially across lines of solidarity. “Decolonization never takes place unnoticed” (Fanon, 1963, p. 36). Settler colonialism and its decolonization implicates and unsettles everyone.

#### Extinction is an empty superlative that teases with global demise to mask structural culpability with the ongoing violences driving extinction – assign their arguments 0 risk.

Mitchell 17 (Audra - holds the the [CIGI Chair](https://www.balsillieschool.ca/faculty/cigi-chairs) in Global Governance and Ethics at the [Balsillie School of International Affairs](https://www.balsillieschool.ca/) and is an Associate Professor at Wilfrid Laurier University, Canada. 9/27/17. “Decolonizing against extinction part II: Extinction is not a metaphor – it is literally genocide” <https://worldlyir.wordpress.com/2017/09/27/decolonizing-against-extinction-part-ii-extinction-is-not-a-metaphor-it-is-literally-genocide/>)//kbuck

Extinction has become an emblem of Western, and white-dominated, fears about ‘the end of the(ir) world’. This scientific term is saturated with emotional potency, stretched and contorted to embody almost any nightmare, from climate change to asteroid strikes. In academic and public contexts alike, it is regularly interchanged with other terms and concepts – for instance, ‘species death’, global warming or ecological collapse. Diffused into sublime scales – mass extinctions measured in millions of (Gregorian calendar) years, a planet [totalized by the threat of nuclear destruction](http://journals.sagepub.com/doi/abs/10.1177/0306312709341598) – ‘extinction’ has become an empty superlative, one that that gestures to an abstract form of [unthinkability.](http://journals.sagepub.com/doi/abs/10.1177/1354066116632853) It teases Western subjects with images of generalized demise that might, if it gets bad enough, even threaten us, or the [figure of ‘humanity’ that we enshrine as a universal.](https://www.routledge.com/International-Intervention-in-a-Secular-Age-Re-Enchanting-Humanity/Mitchell/p/book/9780415705066) This figure of ‘humanity’, derived from Western European enlightenment ideals, emphasizes individual, autonomous actors who are fully integrated into the global market system; who are responsible citizens of nation-states; who conform to Western ideas of health and well-being; who partake of ‘culture’; who participate in democratic state-based politics; who refrain from physical violence; and who manage their ‘resources’ responsibly (Mitchell 2014).

Oddly, exposure to the fear of extinction contributes to the formation and bolstering of [contemporary Western subjects](http://journals.sagepub.com/doi/abs/10.1177/0263276415619219). Contemplating the sublime destruction of ‘humanity’ offers the thrill of [abjection:](https://www.amazon.ca/Powers-Horror-Abjection-Julia-Kristeva/dp/0231053479) the perverse pleasure derived from exposure to something by which one is revolted. C[laire Colebrook](http://www.openhumanitiespress.org/books/titles/death-of-the-posthuman/) detects this thrill-seeking impulse in the profusion of Western blockbuster films and TV shows that imagine and envision the destruction of earth, or at least of ‘humanity’. It also throbs through a flurry of recent best-selling books – both fiction and speculative non-fiction (see [Oreskes and Conway 2014](https://www.amazon.ca/dp/B00K33E4J2/ref=dp-kindle-redirect?_encoding=UTF8&btkr=1); [Newitz 2013](https://www.amazon.com/Scatter-Adapt-Remember-Survive-Extinction/dp/0307949427); [Weisman 2008](http://www.worldwithoutus.com/)). In a forthcoming intervention, [Noah Theriault](http://www.history.cmu.edu/faculty/theriault.html) and I (2018) argue that these imaginaries are a form of porn that normalizes the profound violences driving extinction, while cocooning its viewers in the secure space of the voyeur. Certainly, there are many Western scientists, conservationists and policy-makers who are genuinely committed to stopping the extinction of others, perhaps out of fear for their own futures. Yet extinction is not quite real for Western, and especially white, subjects; it is a fantasy of negation that evokes thrill, melancholy, anger and existential purpose. It is a metaphor that expresses the destructive desires of these beings, and the negativity against which we define our subjectivity.

But extinction is not a metaphor: it is a very real [expression of violence](https://worldlyir.wordpress.com/2017/07/28/decolonizing-against-extinction-part-i-extinction-is-violence/) that systematically destroys particular beings, worlds, life forms and the relations that enable them to flourish. These are real, unique beings, worlds and relations – as well as somebody’s family, Ancestors, siblings, future generations – who are violently destroyed. Extinction can only be used unironically as a metaphor by people who have never been threatened with it, told it is their inevitable fate, or lost their relatives and Ancestors to it – and who assume that they probably never will.

This argument is directly inspired by the call to arms issued in 2012 by [Eve Tuck and Wayne K. Yang](http://decolonization.org/index.php/des/article/view/18630) and more recently by [Cutcha Risling-Baldy](http://decolonization.org/index.php/des/article/view/22155). The first, seminal piece demonstrates how settler cultures use the violence of metaphorical abstraction to excuse themselves from the real work of decolonization: ensuring that land and power is in Indigenous hands. Risling-Baldy’s brilliant follow-up extends this logic to explain how First People like Coyote have been reduced to metaphors through settler appropriation. In both cases, engagement with Indigenous peoples and their relations masks moves to innocence: acts that make it appear as if settlers are engaging in decolonization, while in fact we are consolidating the power structures that privilege us.

In this series, want to show how Western, and white-dominated, discourses on ‘extinction’ appear to address the systematic destruction of peoples and other beings while enacting moves to innocence that mask their culpability and perpetuate structures of violence. As I argued in [Part I of this serie](https://worldlyir.wordpress.com/2017/07/28/decolonizing-against-extinction-part-i-extinction-is-violence/)s, extinction is an expression of colonial violence. As such, it needs to be addressed through direct decolonization, including the dismantling of settler colonial structures of violence, and the resurgence of Indigenous worlds. Following Tuck, Yang and Risling-Baldy’s lead, I want to show how and why the violences that drive extinction have come to be invisible within mainstream discourses. Salient amongst these is the practice of genocide against Indigenous peoples other than humans.

…it is literally genocide.

What Western science calls ‘extinction’ is not an unfortunate, unintended consequence of desirable ‘human’ activities. It is an embodiment of particular patterns of  structural violence that disproportionately affect specific racialized groups.  In some cases, ‘extinction’ is directly, deliberately and systematically inflicted in order to create space for aggressors, including settler states. For this reason, it has rightly been framed as an aspect or tool of colonial genocides against Indigenous human peoples. Indeed, many theorists have shown that the ‘extirpation’ of life forms (their total removal from a particular place) is an instrument for enacting genocide upon Indigenous humans (see [Mazis 2008;](https://www.academia.edu/10310917/Mazis_The_World_of_Wolves_Lessons_about_the_Sacredness_of_the_Surround)[Laduke 1999](https://www.amazon.ca/All-Our-Relations-Native-Struggles/dp/0896085996); [Stannard 1994](http://www.oupcanada.com/catalog/9780195085570.html)). Specifically, the removal of key sources of food, clothing and other basic materials makes survival on the land impossible for the people targeted.

#### Their understanding of “space” replicates a Western theorization of place as neutral space that relegates indigenous peoples to colonial authority by creating “cultural blanks” to be filled in by peaceful settlement

Barker and Pickerill 12 (Adam J Barker, and Jenny Pickerill, Department of Geography @ Univ of Leicester. “Radicalizing Relationships To and Through Shared Geographies: Why Anarchists Need to Understand Indigenous Connections to Lands and Place” Antipode.

Colonial Impacts on Perceptions of Place Indigenous understandings of place have generated criticism of many aspects of society in the northern bloc: Christian theology’s influence on political and economic colonial practice (Deloria 2003); the concept of “sovereignty” and the state system (Alfred 2006); constitutionalism as a method of governmental organization (Tully 1995; 2000); capitalism and relationships under a capitalist system (Adams 1989:17); language and culture (Basso 1996) and many other understandings of place, space, nature, and human relationships. Indigenous relationships to place fundamentally challenge colonial spatial concepts, from the ways that we move from place to place and through spaces (Pandya 1990) to how we move through time (Jojola 2004). Indeed Coulthard (2010:79) asserts that for Indigenous people place is central to understandings of life, whereas “most Western societies . . . derive meaning from the world in historical/developmental terms, thereby placing time as the narrative of central importance”. Historically, EuroAmerican cultures conceived of human relations to the environment in one of two ways, which John Rennie Short labels the “classical and romantic” (Short 1991:6): either “natural” places are improved through development and human spatial creation and use (with “wilderness” as a frightening, exterior “ other”), or despoiled through human contact and change (with the natural environment as a pristine and perfect spatial concept, and the suggestion that human identity must be bounded within it). Both conceptually marginalize or fully erase Indigenous presence in place. Contra this erasure, Indigenous peoples’ understandings of place have become important to the understanding of colonial geographies and the efforts of anti-colonial activists.2 Indigenous peoples have traditionally related to place through spatially stretched and dynamic networks of relationships (Cajete 2004; Johnson and Murton 2007). These networks bear some resemblance to Sarah Whatmore’s concept of hybrid geography, “which recognizes agency as a relational achievement, involving the creative presence of organic beings, technological devices and discursive codes, as well as people, in the fabrics of everyday living” (Whatmore 1999:26). Through these, Indigenous peoples have challenged the classical/romantic dichotomy that continues to haunt some aspects of anarchist spatial perceptions. For Indigenous peoples, place holistically encapsulates networks of relations between humans, features of the land, non-human animals, and living beings perceived as spirits or non-physical entities. All of these—humans included— are understood to have autonomy and will, but also obligation and responsibility to all of the other elements to which they are related and among whom they are situated. As such, we acknowledge that land and place are different to each other but seek to use the way they are interrelated throughout this article. Although land can be considered as material, its meaning is constantly interwoven into the relationality of place so that land is often taken to have multiple meanings beyond its simple materiality—as a resource, as identity and as relationship (Coulthard 2010). Indigenous peoples assaulted by settler colonization have and continue to face concerted attempts to break Indigenous connections to place. Religious conversion, for example, has had a massive impact on the ways that Indigenous peoples perceive the spaces occupied by spirit and otherwise metaphysical beings. Though no longer considered “tantamount to a complete transformation of cultural identity” (Axtell 1981:42), conversion to and participation in hierarchical-organized, spatially dislocated, and temporally defined Judeo-Christian religions (Deloria 2003:62–77) encouraged Indigenous peoples to see the spiritual as something above (literally) and beyond the direct contact of the human world. The general result is displacement and dislocation.

#### Their invocation of the Asia-Pacific is a manifestation of US imperialism. This community was created to deny the waning of US superiority by integrating outsiders into the democratic universalism of America’s civilizing mission. This is the transition from hegemony as territorial expansion to flexible colonial dominance that operates through non-territorial imperial tactics like the 1ac’s paternalistic oscillations

Jungha 14**.** Kim, University of Pennsylvania, "Trauma Of Empire: Violence, Minor Affect, And The Cold War Transpacific" (2014). Publicly Accessible Penn Dissertations. Paper 1332.

As Rachel Lee observes, the idea of the Asia-Pacific stands on a tension between the global and the local, between economic boundlessness and geographical moorings. In one respect, the Asia-Pacific constitutes a particular type of globalism: transnational economism that undermines territorial nationalism.18 In another, it represents an offshoot of a long genealogy of U.S. imperialism, one that Victor Bascara defines as “the ideologies and attendant discourses of how the United States imagined and explained its varieties of growth.”19 The concept of the Asia-Pacific in the late Cold War period offered a particular American framework for the United States to respond to the economic successes of East Asian nations, Japan in particular. As Lee writes, “A primary reason for evoking a postnational community, then, is to deny the waning of U.S. superiority by incorporating “outsider” threats into a new transnational coalition.”20 However, the idea of disseminating capitalist universal teleology across the Pacific can also be traced back to U.S. imperial endeavors to incorporate the potential “enemies” of the Cold War to the body of democratic capitalism, from the former Japanese enemy of World War II, and anti-colonialist nationalists of Korea in the early 1950s, to the Vietnamese communists. From this perspective, the Asia-Pacific is an imaginary Cold War geopolitical entity that is promoted in a particular historical moment of capitalist (not just territorial) expansion; it thus fundamentally characterizes the project of U.S. imperialism in Asia during the latter half of the twentieth century. The Asia-Pacific is teleology, but its teleological character, to borrow Connery’s words, “has been shaped in part by a residual American frontierism.”21 In this context, my dissertation contrasts an array of Asian American cultural productions with the teleological geographical imagining of the Asia-Pacific and examines how these texts alternatively imagine other temporalities and different linkages across national borders. The writers I explore, including Jessica Hagedorn, Jane Jeong Trenka, Aimee Phan, and Ruth Ozeki, offer the cultural realm of the “Asia/Pacific” with a slash as a sign of tension and contestation against the “Asia-Pacific” as it stands for free market ideology and America’s unique civilizing mission of democratic universalism. These writers present a range of historical scenes of the Cold War across the Pacific, from the metropolitanization of Manila in the 1960s, and the refugees and transnational adoptees produced by Cold War’s “hot wars” in Korea and Vietnam, to the economic alliance between Japan and the United States. These historically and geographically diverse sites are interlinked not simply through the shared experience of U.S. Cold War dominance and neoliberal governance, but also through literary mediations establishing an affective transnational zone: an alternative historical space that at once reveals the contradictions of “liberal empire” and produces an eccentric temporality disrupting its forms of linear progress. Linking the Cold War with the history of American hegemony in Asia, Jodi Kim suggests “a critical genealogy of the Cold War as a genealogy of American empire, one that reframes the Manichaean U.S.-Soviet Cold War rivalry and shows how it was…triangulated in Asia.”22 Recasting the dominant Cold War historiography that has shed light primarily on the facets of a Western inter-imperialist war over “cold” ideologies, Kim turns to multiple scenes of “hot” wars intersecting with U.S. Cold War intervention and militarism in Asia and to the gendered racial formulation of Cold War epistemology around the figure of Asia. Not just as a historical epoch that ended with the fall of the Berlin Wall in 1989, but as “a structure of feeling” and “a hermeneutics” that has enjoyed its epistemological, affective power for supporting capitalist liberal forms of “developments,” the Cold War represents a particular conjuncture of U.S. liberal empire in Asia. In this revisionist perspective on the Cold War, Kim situates Asian American critique as an analytic, not as an identity category, for understanding the specificity of American imperialist practices in Asia. This dissertation is aligned with Kim’s work in that it attempts to reveal the critical genealogies of American imperialism in the Cold War by excavating the dimension of the repressed in U.S. nationalist ontology. Mobilizing Asian American cultural forms beyond the terrain of liberal multiculturalism, which manifested itself as an institutionalized and commodified appreciation of racial difference within the national, Trauma of Empire ruminates on the way these texts emerge as a transnational minor cultural formation and render temporalities supplemental to the developmental narrative of U.S. imperialism. Put differently, rather than offering an aestheticized sign of difference incorporated into the national body, the corpus of Asian American cultural texts I explore presents heterogeneous symptomatic sites where the remainders and reminders of U.S. Cold War trauma testify to their own seething presence and demand their own mode of representation. From the perspective of the genealogy of imperial formations, U.S. Cold War hegemony in Asia marks a fundamental transition from territorial expansion to a more flexible and neoliberal dominance. As Kim notes, this does not mean that territorial domination completely lost its controlling power in the Cold War. Rather, it suggests that the Cold War opened a new phase of “an imperial governmentality whose dominant logics have operated (and continue to do so) through a flexible combination of 16 nonterritorial imperial tactics.”23 Following the “loss” of China to Mao’s communist party in 1949, America’s heightened anxiety over “Red Asia” was transformed and translated to an official political language—the well-known domino theory. As an abstract entity consisting of a number of dominos, Asian nations were considered objects that should be checked and protected from the threats of communism. This patronizing gesture of the United States, however, was not politically disinterested: the “democratizing mission,” as Kim notes, was “an attempt to install governments and economic systems favorable to U.S. interests in the name of ‘democracy’ and ‘collective security’.”24 This extraordinary logic of democratic solidarity across the Pacific masking U.S. economic and military interests in the region provides the ground for the workings of liberal empire. Each of my chapters highlights specific cultural scenes in which Asian American writers alternately map out and critically index histories of American liberalism as it intersects with U.S. imperialism and its governing tactics for political, economic, and cultural domination in the Cold War transpacific. The cultural texts I examine, most of which were produced after the “end” of the Cold War, either critically look back on that era or interrogate the neocolonial and neoliberal global capitalist formations directly or indirectly deriving from Cold War dynamics. Trauma of Empire begins with Hagedorn’s Manila in the 1960s, which represents the fantasy of the AsiaPacific in the form of a project to build a global cultural center in a neocolonial city, and which materializes this fantasy’s constitutive contradiction in the haunting of dead laboring bodies. It ends with Japan-U.S. virtual interconnection in Ozeki’s novel, set against the backdrop of American beef export to Japan in the 1990s and the process of neoliberal subject making embedded within this economic exchange. While Hagedorn’s text presents a neocolonial practice that intensively and extensively extracts surplus value from Filipino labor, Ozeki sheds light on a more invisible and insidious mode of domination involving U.S-led neoliberal globalization. Between these two antipodal scenes of the Asia-Pacific economic “alliance,” neocolonial exploitation of Third World labor and neoliberal regulation of the “faithful” Cold War partner, respectively, I situate stories of diasporic orphans who are uprooted by Cold War’s “hot wars” in Korea and Vietnam. Bracketed by these first and last chapters dealing more directly with the intersection of U.S. imperialism and global capitalism and with subjective responses to that violence, the two chapters in between explore ways exilic subjects of split kinship grapple with historical memories against the post-Cold War discourses of reconciliation and forgetting. As this outline of my dissertation reveals, U.S. imperialism of the Cold War is heterogeneous in its aspects and manifestations. Indeed, U.S. empire is, to borrow Ann Laura Stoler’s words, a “flexible empire” in its “active realignment and 18 reformation…[an] empire that puts movement and oscillation at the center.”25 The aim of this dissertation is thus not to narrate a coherent and exhaustive history of U.S. imperialism in the Cold War Asia; as Kim observes, the Cold War was itself “an unruly set of engagements,”26 and attempting to narrate U.S. Cold War history in Asia in a single seamless project would be impractical. This dissertation’s more modest and focused goal is to trace and qualify the various forms of violence that this flexible empire employs and to theorize the way literature registers the effects and aftereffects of adjustable imperial power. While my chapters are organized around specific nation-states of the Philippines, Korea, Vietnam, and Japan, this particular geographical linkage does not indicate that I argue for any historical commonality among these countries other than their shared experience of U.S. influence. My focus is rather on the way the peripheral subjects of the texts I survey, whose physical and psychic dislocations stem from Cold War dynamics between Asia and the United States, develop affective modes of reciprocity and intimacy and collectively act out and work through imperial violence.

#### Thus, the only alternative is decolonization. The ROC is to center indigenous scholarship and resistance – any ethical commitment requires that the aff places itself in the center of native scholarship and demands; independently, the judge must surrender to indigenous resistance.

Tuck and Yang 12

(Eve Tuck, Unangax, State University of New York at New Paltz K. Wayne Yang University of California, San Diego, Decolonization is not a metaphor, Decolonization: Indigeneity, Education & Society Vol. 1, No. 1, 2012, pp. 1-40, JKS)

An ethic of incommensurability, which guides moves that unsettle innocence, stands in contrast to aims of reconciliation, which motivate settler moves to innocence. Reconciliation is about rescuing settler normalcy, about rescuing a settler future. Reconciliation is concerned with questions of what will decolonization look like? What will happen after abolition? What will be the consequences of decolonization for the settler? Incommensurability acknowledges that these questions need not, and perhaps cannot, be answered in order for decolonization to exist as a framework. We want to say, first, that decolonization is not obliged to answer those questions - decolonization is not accountable to settlers, or settler futurity. Decolonization is accountable to Indigenous sovereignty and futurity. Still, we acknowledge the questions of those wary participants in Occupy Oakland and other settlers who want to know what decolonization will require of them. The answers are not fully in view and can’t be as long as decolonization remains punctuated by metaphor. The answers will not emerge from friendly understanding, and indeed require a dangerous understanding of uncommonality that un-coalesces coalition politics - moves that may feel very unfriendly. But we will find out the answers as we get there, “in the exact measure that we can discern the movements which give [decolonization] historical form and content” (Fanon, 1963, p. 36). To fully enact an ethic of incommensurability means relinquishing settler futurity, abandoning the hope that settlers may one day be commensurable to Native peoples. It means removing the asterisks, periods, commas, apostrophes, the whereas’s, buts, and conditional clauses that punctuate decolonization and underwrite settler innocence. The Native futures, the lives to be lived once the settler nation is gone - these are the unwritten possibilities made possible by an ethic of incommensurability.*when you take away the punctuation he says of lines lifted from the documents about military-occupied land its acreage and location you take away its finality opening the possibility of other futures* -Craig Santos Perez, Chamoru scholar and poet (as quoted by Voeltz, 2012)

Decolonization offers a different perspective to human and civil rights based approaches to justice, an unsettling one, rather than a complementary one. Decolonization is not an “and”. It is an elsewhere.

#### Our interpretation is that the judge ought to evaluate the aff as a research project – they don’t get to weigh the material implementation of the case

#### 1. Plan focus restricts the debate to a ten second statement and leaves the rest of the aff unquestioned. They should be responsible for the way their knowledge is constructed and used because that produces the best model for activism and ethics in the context of their aff

#### 2. The K is a prior question – it informs the value of the game – if we win debate trains students to be violent outside of their rounds, that should come first

#### 3. Performance DA – you’re an educator responsible for judging the behavior and scholarly production of the aff – that means you should TKO them if we win a link

#### 4. George Bush DA—justifications and representations influence our political advocacy. Even though George Bush and Marxists both hate Donald Trump, the reasons why matter as much. Winning a link argument means that their political advocacy looks more like a blue lives matter trust fund rather than anti-racist movements.

#### 5. Independently, vote neg on presumption—the affirmative does nothing. Voting aff won’t produce the advantages discussed, but our theory arguments spill up to how we view policies/debate, so vote negative because the aff cant alter material conditions in the world.

## Case

### Framing

#### Extinction first/consequentlism –

#### 1. Risk of extinction focus paralyzes action – any action has a risk of causing extinction but so does not acting – we’d have to listen to a random person who told us to jump out of the building right now or else extinction would happen

#### 2. This assumes we don’t know what’s ethically bad but we don’t need more time to morally figure out that structural violence like racism is wrong – if there’s a high risk of that vote NEG

#### 3. This is another link – it justifies the 1% risk cheney doctrine of intervening in the middle east for a false threat, which was a worse political solution and caused massive suffering – this is the exact fear based politics that all of the K criticizes

#### 4. This assumes rational utilitarian ways of calculating body count but that calculative thought is impossible – state actors aren’t purely rational decision making machines – they’re influenced by subjective standpoints

#### 5. Value to life impact outweighs – we can’t experience ethical value in the first place if people are ontologically excluded by the calculative thought of security

#### 6. Links are offense – we have indicts of every single one of their scenarios that affect the consequences of their policy and the way it’s implemented. This implicates every piece of aff solvency and means they don’t solve extinction and just further participate in genocidal structures.

#### We agree death may be bad, but we have different conceptions of what we should prefer. Also if we win that they arent 100% risk err neg

#### Actor spec doesn’t apply – the res isnt about govns, just private entities and neither is the alt so it doesn’t matter?

#### Extinction first is already criticized above

### Solvency

#### No timeframe – not happening right now

#### Antitrust fails – history, resources, and political opposition

Jones 20 [Alison Jones, Professor of Law at King's and a solicitor at Freshfields Bruckhaus Deringer LLP. William E. Kovacic, George Mason University Foundation Professor at the George Mason University School of Law. “Antitrust’s Implementation Blind Side: Challenges to Major Expansion of U.S. Competition Policy.” 2020. https://journals.sagepub.com/doi/pdf/10.1177/0003603X20912884]

The proponents of change have set out a breathtaking agenda for reform. The various papers and reports are powerfully reasoned and argued but devote relatively little attention to the question of how their proposals can be achieved successfully. Rather many of them seem to be predicated on the assumption that any legislative changes required can be introduced rapidly and that the new, more aspiring, program can be driven home straightforwardly by agencies led by courageous leaders and supported by a larger staff that shares the vision for fundamental change.

The discussion below, and history, seems to indicate, however, that more courage and more people will not necessarily overcome the implementation obstacles that stand in the way of a program that requires the rapid prosecution of a large number of complex cases against well-resourced and powerful companies. Indeed, the criticisms levied at the current system, the proposals for more effective enforcement and reform, and the scale of the action being demanded bear some resemblance to those that led to a more re-invigorated and aggressive antitrust enforcement policy in the 1960s and early 1970s. For example, at that time complaints that the FTC was in decay, was obsessed with trivial cases and failing to address matters of economic importance, anticompetitive conduct, and rising concentration,77 led the FTC to embark on a new, bold, and astoundingly broad enforcement program.78 In an effort to meet criticisms of it as a shambolic and failing institution, the FTC sought to upgrade its processes for policy planning, made concerted efforts to improve its human capital in management and case handling, and sought to improve substantive processes and the quality of its competition and consumer protection analysis.

In the end, FTC’s efforts to improve capability proved insufficient to support the expanded enforcement agenda, partly because the Commission failed to formulate an adequate plan to overcome the full range of implementation obstacles. The FTC seriously overreached because it did not grasp, or devise strategies to deal with, the scale and intricacies of its expanded program of cases and trade regulation rules, the ferocious opposition that big cases with huge remedial stakes would provoke from large defendants seeking to avoid divestitures, compulsory licensing, or other measures striking at the heart of their business, and the resources required to deliver good results. The Commission lacked the capacity to run novel shared monopoly cases that sought the break-up of the country’s eight leading petroleum refiners and four leading breakfast cereal manufacturers79 and simultaneously pursue an abundance of other high stake, difficult matters involving monopolization, distribution practices, and horizontal collaboration. The FTC also overlooked swelling political opposition, stoked by the vigorous lobbying of Congress, that its aggressive litigation program provoked.80

New legislation envisaged by reform advocates could ease the path for current government agencies seeking to reduce excessive levels of industrial concentration by arresting anticompetitive behavior of dominant enterprises (through interim and permanent relief) and by blocking mergers that pose incipient threats to competition. It seems clear, however, that such dramatic legislative proposals are likely to be fiercely contested through the legislative process and so will take time, and be difficult, to enact. Further, even if armed with a more powerful mandate, the DOJ and the FTC will still have to bring what are likely to be challenging cases applying the new laws (see Section F). The adoption, setting up, and bedding in of new legislation or regulatory structures and bodies is therefore unlikely to happen very quickly and is, consequently, unlikely to meet the demands of those seeking urgent and immediate action now.

These difficulties suggest that for the near future, at least, the agencies will have to achieve successful extensions of policy mainly through launching themselves into a number of lengthy, complex investigations and litigation based on the current regime. This means establishing violations under existing judicial interpretations of the antitrust laws and making a convincing case for the imposition of effective remedies, including structural relief.

#### Even new laws fail—courts refuse to enforce, including SCOTUS

Newman 19 [John Newman is a University of Miami School of Law professor and a former attorney with the U.S. Department of Justice Antitrust Division, "What Democratic Contenders Are Missing in the Race to Revive Antitrust", 4/1/19, https://www.theatlantic.com/ideas/archive/2019/04/what-2020-democratic-candidates-miss-about-antitrust/586135/]

But the federal courts represent a massive stumbling block for any progressive antitrust movement. Reformers have identified two paths forward; both lead eventually to the court system. The first is relatively moderate: appoint regulators who will actually enforce the laws already on the books. Warren’s plan rests in part on this straightforward idea. The second, more audacious path requires congressional action to amend and strengthen our current laws. Warren’s call for a new ban on technology companies’ buying and selling via their own platforms falls into this category. Klobuchar has also proposed new antitrust legislation that would make it easier to block harmful mergers and acquisitions.

But no matter its content, enforcing a law requires persuading a judge. When it comes to U.S. antitrust laws, federal judges—not Congress, and not regulatory agencies—are the ultimate arbiters. The Department of Justice Antitrust Division, one of our two public enforcement agencies, files all its cases in federal courts. And although the Federal Trade Commission (the other) can decide cases internally, the inevitable appeals eventually end up in court as well.

No matter how strongly worded a law may be, ideologically driven judges can usually find a way around enforcing it. The cyclical history of U.S. antitrust law is proof that judges wield nearly limitless institutional power in this area.

Soon after Congress passed the Sherman Act in 1890, a conservative Supreme Court began to chip away at its effectiveness. Congress reacted in 1914 with the Clayton Act, which sought to ban anticompetitive mergers. In 1936, at the height of the New Deal era, Congress passed the Robinson-Patman Act, which prohibits price discrimination (charging different prices to different buyers for the same product). These laws were actively enforced for decades.

But starting in the late 1970s, conservative judges began to erode the Clayton Act. Today, megamergers among competitors such as Bayer and Monsanto barely raise eyebrows. So-called vertical mergers, which combine suppliers and their customers, are now all but immune from antitrust enforcement—see the DOJ’s failed challenge to AT&T and Time Warner’s recent tie-up.

Under the business-friendly Roberts Court, the Robinson-Patman Act has similarly been eviscerated. By the 2000s, the ideas of the conservative Chicago School had become mainstream in antitrust circles. Robinson-Patman, a law intended to protect small businesses, was an easy target for Chicago School critics narrowly focused on efficiency and low consumer prices. Their attacks found a receptive audience in the federal judiciary. Among insiders, Robinson-Patman is now known as “zombie law.” It remains on the books, but regulators no longer bother trying to enforce it.

If Democrats want to change antitrust law, they will first and foremost need to change the judges who apply it. Yet none of the 2020 contenders championing antitrust reform have even mentioned the possibility of appointing progressive antitrust thinkers to the bench.

Conservatives, on the other hand, have long recognized the centrality of antitrust to broader questions about the apportionment of power in society. In his seminal work, The Antitrust Paradox, Robert Bork called antitrust a “microcosm in which larger movements of our society are reflected.” Battles fought in this arena, Bork wrote, “are likely to affect the outcome of parallel struggles in others.” Strong antitrust enforcement keeps powerful monopolies in check. Toothless antitrust allows the unlimited accumulation of corporate power.

Recognizing the high stakes, the Republican Party has gone to great lengths to appoint conservative antitrust experts to the federal judiciary. Bork was an antitrust professor at Yale Law School before becoming an appellate judge in 1982.\* Frank Easterbrook practiced and taught antitrust before donning the black robe in 1985. Douglas Ginsburg served as the head of the Justice Department’s Antitrust Division before he became a federal judge in 1986. None of the three managed to join the Supreme Court, but not for lack of trying. Reagan nominated both Bork and Ginsburg to serve as justices, though Ginsburg withdrew and Bork was famously rejected after a contentious Senate hearing.

And whom did the GOP select as its very first U.S. Supreme Court nominee during the Trump Administration? None other than Neil Gorsuch, who practiced antitrust law for more than a decade before joining the Tenth Circuit. Even as a judge, Gorsuch continued to teach a law-school course on antitrust until his confirmation to the Supreme Court in 2017.

Once upon a time, progressives demonstrated similar concern about judicial treatment of antitrust laws. Justice Stephen Breyer, for example, served as special assistant to the head of the DOJ Antitrust Division before his judicial appointment by President Jimmy Carter. Earlier still, Justice John Paul Stevens was an antitrust lawyer, scholar, and professor before his appointment to the bench.

Today’s Democratic 2020 hopefuls seem to have forgotten the lessons of history. Their antitrust proposals focus exclusively on appointing the right regulators and amending our current statutes. These are right-minded ideas, but they overlook the central role judges play in our political system.

There is an old saying in the legal community: “Hard cases make bad law.” That may be true, but it is just as often the case that bad judges make bad law. Real antitrust reform will require more than regulatory and legislative tweaks; it will require the right judges.

### Space law adv

#### Chow – makes no sense – RPOs are developed by STATES not COMPANIES – they can’t apply antitrust to the PRC or Russia

#### new laws fail—courts refuse to enforce, including SCOTUS

Newman 19 [John Newman is a University of Miami School of Law professor and a former attorney with the U.S. Department of Justice Antitrust Division, "What Democratic Contenders Are Missing in the Race to Revive Antitrust", 4/1/19, https://www.theatlantic.com/ideas/archive/2019/04/what-2020-democratic-candidates-miss-about-antitrust/586135/]

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There is an old saying in the legal community: “Hard cases make bad law.” That may be true, but it is just as often the case that bad judges make bad law. Real antitrust reform will require more than regulatory and legislative tweaks; it will require the right judges.

#### Monopolies use antitrust law to their advantage – turns the aff

Young 19 [Ryan Young, Senior Fellow at the Competitive Enterprise Institute (CEI). Clyde Wayne Crews, Jr. vice president for policy and a senior fellow at the Competitive Enterprise Institute. “The Case against Antitrust Law.” April 2019. https://cei.org/sites/default/files/Wayne\_Crews\_and\_Ryan\_Young\_-\_The\_Case\_against\_Antitrust\_Law.pdf]

Rent-seeking. Neo-Brandeisians rightly want to reduce rent-seeking, but they routinely propose policies that will backfire because of a common misunderstanding of how governments work in practice. Government employees do not operate with only the public interest in mind. They are human beings, with the same incentives and flaws as other human beings. They want to increase their budgets and power and enjoy the publicity that accompanies big cases. It also makes regulators especially vulnerable to what is known as a Baptist-and-boot- legger dynamic. In Clemson University economist Bruce Yandle’s classic example, a moralizing Baptist and a profit-seeking bootlegger will both favor a law requiring liquor stores to close on Sundays, though for different reasons. A true-believing “Baptist” in Congress or at the Justice Department or the FTC would be inclined to listen seriously to the entreaties of corporate “bootleggers” who can come up with virtuous-sounding reasons for why regulators should give their businesses special favorable treatment.36

Oracle, one of Microsoft’s rivals, ran its own independent Microsoft investigation during that company’s antitrust case, for what it alleged were Baptist-style reasons. “All we did is try to take information that was hidden and bring it to light,” said Oracle CEO Larry Ellison. “I don’t think that was arrogance. I think it was a public service.”37 Former Sen. Orrin Hatch (R-UT), who counted Oracle among his constituents, was one of the loudest anti-Microsoft voices in Congress. Around that time, he also received $17,500 donations from executives at Netscape, AOL, and Sun Microsystems. Perhaps heeding Hatch’s admonition that, “If you want to get involved in business, you should get involved in politics,” Microsoft expanded its presence in Washington from a small outpost at a Bethesda, Maryland, sales office to a large downtown Washington office with a full-time staff plus multiple outside lobbyists.38 Microsoft quickly went from a virtual non-entity in Washington to the 10th-largest corporate soft money campaign donor by the 1997-1998 election cycle. Sen. Hatch’s campaign was among the beneficiaries.39

The lines between Baptist and boot- legger can be blurry, and some actors play both parts. But such ethical dynamics are an integral part of antitrust regulation in practice.

**No ‘space war’ – Insurmountable barriers and everyone has an interest in keeping space peaceful**

**Dobos 19** [(Bohumil Doboš, scholar at the Institute of Political Studies, Faculty of Social Sciences, Charles University in Prague, Czech Republic, and a coordinator of the Geopolitical Studies Research Centre) “Geopolitics of the Outer Space, Chapter 3: Outer Space as a Military-Diplomatic Field,” Pgs. 48-49] TDI

Despite the theorized potential for the achievement of the terrestrial dominance throughout the utilization of the ultimate high ground and the ease of destruction of space-based assets by the potential space weaponry, the utilization of space weapons is with current technology and no effective means to protect them far from fulfilling this potential (Steinberg 2012, p. 255). In current global international political and technological setting, the utility of space weapons is very limited, even if we accept that the ultimate high ground presents the potential to get a decisive tangible military advantage (which is unclear). This stands among the reasons for the lack of their utilization so far. Last but not the least, it must be pointed out that the states also develop passive defense systems designed to protect the satellites on orbit or critical capabilities they provide. These further decrease the utility of space weapons. These systems include larger maneuvering capacities, launching of decoys, preparation of spare satellites that are ready for launch in case of ASAT attack on its twin on orbit, or attempts to decrease the visibility of satellites using paint or materials less visible from radars (Moltz 2014, p. 31). Finally, we must look at the main obstacles of connection of the outer space and warfare. The first set of barriers is comprised of physical obstructions. As has been presented in the previous chapter, the outer space is very challenging domain to operate in. Environmental factors still present the largest threat to any space military capabilities if compared to any man-made threats (Rendleman 2013, p. 79). A following issue that hinders military operations in the outer space is the predictability of orbital movement. If the reconnaissance satellite's orbit is known, the terrestrial actor might attempt to hide some critical capabilities-an option that is countered by new surveillance techniques (spectrometers, etc.) (Norris 2010, p. 196)-but the hide-and-seek game is on. This same principle is, however, in place for any other space asset-any nation with basic tracking capabilities may quickly detect whether the military asset or weapon is located above its territory or on the other side of the planet and thus mitigate the possible strategic impact of space weapons not aiming at mass destruction. Another possibility is to attempt to destroy the weapon in orbit. Given the level of development for the ASAT technology, it seems that they will prevail over any possible weapon system for the time to come. Next issue, directly connected to the first one, is the utilization of weak physical protection of space objects that need to be as light as possible to reach the orbit and to be able to withstand harsh conditions of the domain. This means that their protection against ASAT weapons is very limited, and, whereas some avoidance techniques are being discussed, they are of limited use in case of ASAT attack. We can thus add to the issue of predictability also the issue of easy destructibility of space weapons and other military hardware (Dolman 2005, p. 40; Anantatmula 2013, p. 137; Steinberg 2012, p. 255). Even if the high ground was effectively achieved and other nations could not attack the space assets directly, there is still a need for communication with those assets from Earth. There are also ground facilities that support and control such weapons located on the surface. Electromagnetic communication with satellites might be jammed or hacked and the ground facilities infiltrated or destroyed thus rendering the possible space weapons useless (Klein 2006, p. 105; Rendleman 2013, p. 81). This issue might be overcome by the establishment of a base controlling these assets outside the Earth-on Moon or lunar orbit, at lunar L-points, etc.-but this perspective remains, for now, unrealistic. Furthermore, no contemporary actor will risk full space weaponization in the face of possible competition and the possibility of rendering the outer space useless. No actor is dominant enough to prevent others to challenge any possible attempts to dominate the domain by military means. To quote 2016 Stratfor analysis, "(a) war in space would be devastating to all, and preventing it, rather than finding ways to fight it, will likely remain the goal" (Larnrani 20 16). This stands true unless some space actor finds a utility in disrupting the arena for others.

#### No credible scenario for extinction—outdated fringe science and well-meaning threat inflation

Scouras 19 (James Scouras, Johns Hopkins University Applied Physics Laboratory, formerly served on the congressionally established Comission to Assess the Threat to the United States from Electromagnetic Pulse (EMP) Attack, “Nuclear War as a Global Catastrophic Risk”, Cambridge Core, 9-2-2019, available at https://www.cambridge.org/core/journals/journal-of-benefit-cost-analysis/article/nuclear-war-as-a-global-catastrophic-risk/EC726528F3A71ED5ED26307677960962, accessed 12-1-2019, HKR-cjh)

\*footnotes 2 and 4 included

It might be thought that we know enough about the risk of nuclear war to appropriately manage that risk. The consequences of unconstrained nuclear attacks, and the counterattacks that would occur until the major nuclear powers exhaust their arsenals, would far exceed any cataclysm humanity has suffered in all of recorded history. The likelihood of such a war must, therefore, be reduced as much as possible. But this rather simplistic logic raises many questions and does not withstand close scrutiny. Regarding consequences, does unconstrained nuclear war pose an existential risk to humanity? The consequences of existential risks are truly incalculable, including the lives not only of all human beings currently living but also of all those yet to come; involving not only Homo sapiens but all species that may descend from it. At the opposite end of the spectrum of consequences lies the domain of “limited” nuclear wars. Are these also properly considered global catastrophes? After all, while the only nuclear war that has ever occurred devastated Hiroshima and Nagasaki, it was also instrumental in bringing about the end of the Pacific War, thereby saving lives that would have been lost in the planned invasion of Japan. Indeed, some scholars similarly argue that many lives have been saved over the nearly threefourths of a century since the advent of nuclear weapons because those weapons have prevented the large conventional wars that otherwise would likely have occurred between the major powers. This is perhaps the most significant consequence of the attacks that devastated the two Japanese cities. Regarding likelihood, how do we know what the likelihood of nuclear war is and the degree to which our national policies affect that likelihood, for better or worse? How much confidence should we place in any assessment of likelihood? What levels of likelihood for the broad spectrum of possible consequences pose unacceptable levels of risk? Even a very low (nondecreasing) annual likelihood of the risk of nuclear war would result in near certainty of catastrophe over the course of enough years. Most fundamentally and counterintuitively, are we really sure we want to reduce the risk of nuclear war? The successful operation of deterrence, which has been credited – perhaps too generously – with preventing nuclear war during the Cold War and its aftermath, depends on the risk that any nuclear use might escalate to a nuclear holocaust. Many proposals for reducing risk focus on reducing nuclear weapon arsenals and, therefore, the possible consequences of the most extreme nuclear war. Yet, if we reduce the consequences of nuclear war, might we also inadvertently increase its likelihood? It’s not at all clear that would be a desirable trade-off. This is all to argue that the simplistic logic described above is inadequate, even dangerous. A more nuanced understanding of the risk of nuclear war is imperative. This paper thus attempts to establish a basis for more rigorously addressing the risk of nuclear war. Rather than trying to assess the risk, a daunting objective, its more modest goals include increasing the awareness of the complexities involved in addressing this topic and evaluating alternative measures proposed for managing nuclear risk. I begin with a clarification of why nuclear war is a global catastrophic risk but not an existential risk. Turning to the issue of risk assessment, I then present a variety of assessments by academics and statesmen of the likelihood component of the risk of nuclear war, followed by an overview of what we do and do not know about the consequences of nuclear war, emphasizing uncertainty in both factors. Then, I discuss the difficulties in determining the effects of risk mitigation policies, focusing on nuclear arms reduction. Finally, I address the question of whether nuclear weapons have indeed saved lives. I conclude with recommendations for national security policy and multidisciplinary research. 2 Why is nuclear war a global catastrophic risk? One needs to only view the pictures of Hiroshima and Nagasaki shown in figure 1 and imagine such devastation visited on thousands of cities across warring nations in both hemispheres to recognize that nuclear war is truly a global catastrophic risk. Moreover, many of today’s nuclear weapons are an order of magnitude more destructive than Little Boy and Fat Man, and there are many other significant consequences – prompt radiation, fallout, etc. – not visible in such photographs. Yet, it is also true that not all nuclear wars would be so catastrophic; some, perhaps involving electromagnetic pulse (EMP) attacks 2 Many mistakenly believe that the congressionally established Commission to Assess the Threat to the United States from Electromagnetic Pulse (EMP) Attack concluded that an EMP attack would, indeed, be catastrophic to electronic systems and consequently to people and societies that vitally depend on those systems. However, the conclusion of the commission, on whose staff I served, was only that such a catastrophe could, not would, result from an EMP attack. Its executive report states, for example, that “the damage level could be sufficient to be catastrophic to the Nation.” See www.empcommision.org for publicly available reports from the EMP Commission. See also Frankel et al., (2015).2 using only a few high-altitude detonations or demonstration strikes of various kinds, could result in few casualties. Others, such as a war between Israel and one of its potential future nuclear neighbors, might be regionally devastating but have limited global impact, at least if we limit our consideration to direct and immediate physical consequences. Nevertheless, smaller nuclear wars need to be included in any analysis of nuclear war as a global catastrophic risk because they increase the likelihood of larger nuclear wars. This is precisely why the nuclear taboo is so precious and crossing the nuclear threshold into uncharted territory is so dangerous (Schelling, 2005; see also Tannenwald, 2007). While it is clear that nuclear war is a global catastrophic risk, it is also clear that it is not an existential risk. Yet over the course of the nuclear age, a series of mechanisms have been proposed that, it has been erroneously argued, could lead to human extinction. The first concern3 arose among physicists on the Manhattan Project during a 1942 seminar at Berkeley some three years before the first test of an atomic weapon. Chaired by Robert Oppenheimer, it was attended by Edward Teller, Hans Bethe, Emil Konopinski, and other theoretical physicists (Rhodes, 1995). They considered the possibility that detonation of an atomic bomb could ignite a self-sustaining nitrogen fusion reaction that might propagate through earth’s atmosphere, thereby extinguishing all air-breathing life on earth. Konopinski, Cloyd Margin, and Teller eventually published the calculations that led to the conclusion that the nitrogen-nitrogen reaction was virtually impossible from atomic bomb explosions – calculations that had previously been used to justify going forward with Trinity, the first atomic bomb test (Konopinski et al., 1946). Of course, the Trinity test was conducted, as well as over 1000 subsequent atomic and thermonuclear tests, and we are fortunately still here. After the bomb was used, extinction fear focused on invisible and deadly fallout, unanticipated as a significant consequence of the bombings of Japan that would spread by global air currents to poison the entire planet. Public dread was reinforced by the depressing, but influential, 1957 novel On the Beach by Nevil Shute (1957) and the subsequent 1959 movie version (Kramer, 1959). The story describes survivors in Melbourne, Australia, one of a few remaining human outposts in the Southern Hemisphere, as fallout clouds approached to bring the final blow to humanity. In the 1970s, after fallout was better understood to be limited in space, time, and magnitude, depletion of the ozone layer, which would cause increased ultraviolet radiation to fry all humans who dared to venture outside, became the extinction mechanism of concern. Again, one popular book, The Fate of the Earth by Jonathan Schell (1982), which described the nuclear destruction of the ozone layer leaving the earth “a republic of insects and grass,” promoted this fear. Schell did at times try to cover all bases, however: “To say that human extinction is a certainty would, of course, be a misrepresentation – just as it would be a misrepresentation to say that extinction can be ruled out” (Schell, 1982). Finally, the current mechanism of concern for extinction is nuclear winter, the phenomenon by which dust and soot created primarily by the burning of cities would rise to the stratosphere and attenuate sunlight such that surface temperatures would decline dramatically, agriculture would fail, and humans and other animals would perish from famine. The public first learned of the possibility of nuclear winter in a Parade article by Sagan (1983), published a month or so before its scientific counterpart by Turco et al. (1983). While some nuclear disarmament advocates promote the idea that nuclear winter is an extinction threat, and the general public is probably confused to the extent it is not disinterested, few scientists seem to consider it an extinction threat. It is understandable that some of these extinction fears were created by ignorance or uncertainty and treated seriously by worst-case thinking, as seems appropriate for threats of extinction. But nuclear doom mongering also seems to be at play for some of these episodes. For some reason, portions of the public active in nuclear issues, as well as some scientists, appear to think that arguments for nuclear arms reductions or elimination will be more persuasive if nuclear war is believed to threaten extinction, rather than merely the horrific cataclysm that it would be in reality (Martin, 1982). 4 As summarized by Martin, “The idea that global nuclear war could kill most or all of the world’s population is critically examined and found to have little or no scientific basis.” Martin also critiques possible reasons for beliefs or professed beliefs about nuclear extinction, including exaggeration to stimulate action.4 To summarize, nuclear war is a global catastrophic risk. Such wars may cause billions of deaths and unfathomable suffering, as well set civilization back centuries. Smaller nuclear wars pose regional catastrophic risks and also national risks in that the continued functioning of, for example, the United States as a constitutional republic is highly dubious after even a relatively limited nuclear attack. But what nuclear war is not is an existential risk to the human race. There is simply no credible scenario in which humans do not survive to repopulate the earth.

### Noble antitrust adv

#### Havent read rhimbassen – don’t get the adv bc their arg is irrel

#### Stucke does not say applying US based antitrust law internationally is good, its analyzing why the free market was incentive in promoting innovations domestically – no risk

#### No global regime – cooperation fails and states have unique incentives

Murray 19 [Allison Murray, Loyola Law School, Los Angeles, Juris Doctor, May 2019. "Given Today’s New Wave of Protectionism, is Antitrust Law the Last Hope for Preserving a Free Global Economy or Another Nail in Free Trade’s Coffin?" https://digitalcommons.lmu.edu/cgi/viewcontent.cgi?article=1785&context=ilr]

Despite the strong propensity towards the adoption of antitrust laws at the national level, countries appear to have generally abandoned all hope for an international body of antitrust enforcement.117 The U.S. continues to withhold support for internationalization, and its lack of support has proven to be quite persuasive to members of international cooperative efforts.

A. Failed Attempts at Establishing an International Body of Antitrust Governance or Harmonization

Formal international competition law attempts have failed, in large part, due to lack of support from the U.S.118 The first attempt was commissioned by the League of Nations, which explored whether an international system against cartel arrangements was within the realm of possibility.119 At the time, “Europeans looked at cartel arrangements as an attempt to preserve economic stability,” and the reports praised some cartels as “instruments of peace, international cooperation, and prosperity.”120 As a result, the League did not adopt any measures against cartel activity, citing the greater good.

After World War II, it was again argued that there was a need for international governing authority over antitrust enforcement.121 World leaders and lawmakers sought a new, more cooperative world and discussed competition laws during the proposed International Trade Organization (“ITO”) Havana Charter in 1947.122 The notes from those discussions contained “detailed rules regarding the substance and enforcement of competition law,”123 indicating that it was heavily debated and discussed, but ultimately no competition rules were decided upon.124 The U.S. was among those countries which refused to ratify the contemplated competition rules.125

Shortly after the Havana Charter, nations enacted the General Agreement on Tariffs and Trade (“GATT”).126 The GATT, like the agreements that came before it, remained silent on international competition rules.127 This repeated failure to address international competition rules in international trade agreements suggests that centralized international competition laws may be a non-starter for years to come.

The World Trade Organization (“WTO”) was established in 1995 and is the closest entity to a central authority on international trade laws, despite the fact that no centralized law exists.128 Again, the Doha Ministerial attempted to negotiate international competition rules and introduce them into the established authority of the WTO.129 By 2004, during the Doha Round of trade negotiations, the plans to adopt competition laws were foiled.130 Developing countries and the U.S. did not provide their support for the introduction of competition laws.131

As a result, although the WTO was established to be a primary venue to litigate antitrust matters between countries, the WTO can argue only that a country unfairly applied their own country’s domestic laws.132 There is still no international set of laws promulgated by the WTO. Given that discrepancies exist even between the three major trade countries, the lack of internationally set authority is quite limiting.

Given these historically failed and haphazard attempts, it is not likely that a uniform antitrust law can be adopted globally. China, the U.S., and the E.U. all subscribe to varying versions of free trade and what constitutes an appropriate method of enforcement. Further still, the national values significantly differ between these countries. In China, national security terms and the promotion of national industry is paramount.133 Similarly, the U.S., while not allowing for the same breadth of application as China in its national security terms, seems determined to preserve its domestic laws despite the clear preference of other nations for E.U. competition laws.134

#### US is a fringe case

Murray 19 [Allison Murray, Loyola Law School, Los Angeles, Juris Doctor, May 2019. "Given Today’s New Wave of Protectionism, is Antitrust Law the Last Hope for Preserving a Free Global Economy or Another Nail in Free Trade’s Coffin?" https://digitalcommons.lmu.edu/cgi/viewcontent.cgi?article=1785&context=ilr]

On a global scale, the E.U. model has displaced the U.S. model as the international example to follow.101 Perhaps the E.U. competition laws are perceived as more moderate, or perhaps the E.U. is just perceived as a better example of international cooperation. As the E.U. is a trade regime made up of many countries that have had to cooperate and negotiate amongst themselves, the E.U. laws were already the product of many great minds from many countries. To succeed at all, the sovereign nations of the E.U. have had to concede on national positions in order to form a centralized community position. The U.S. model was not subject to multinational negotiations. On the contrary, the U.S. generally does not make concessions during trade-related negotiations, and it is becoming increasingly clear that the Trump Administration is especially unwilling to make trade concessions.102 This may be a contributing factor to the perception that the U.S. model is necessarily more extreme than its E.U. counterparts.

Another reason for the trend toward the E.U. model may be the perception that the U.S. seems to look more favorably on dominant firms, especially given the reality that a large concentration of large firms were founded in the U.S.103 The E.U. and most non-U.S. countries are thought to be more suspicious of large and dominant firms, and therefore are perceived to be more objective in their antitrust analysis.104 In comparison to the U.S. model, the E.U. system has been said to have a more active government presence, wider policy goals, and less stringent theoretical guidelines.105