## 1AC

### Oscar

A dog lying on a dog bed

Description automatically generated with medium confidenceA dog sitting in a car

Description automatically generated with medium confidenceA black dog lying on the floor

Description automatically generated with medium confidence

### 1AC---Plan

#### Plan: States should reduce 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.

Top of Form

#### Antitrust is uniquely compatible with the Outer Space Treaty, or OST---the plan generates momentum for international harmonization.

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Equality and Free Access

Secondly, it could be argued that the principle of “equality” and “free access” as enshrined within article I of the OST would seem to preclude monopolies insofar as equal access to celestial bodies must be maintained while, in theory, monopolization would potentially bar such equal access:

(...) Outer space, including the moon and other celestial bodies, shall be free for exploration and use by all States without discrimination of any kind, on a basis of equality and in accordance with international law, and there shall be free access to all areas of celestial bodies (...) (42). (emphasis added)

The main concern raised by the above-cited paragraph is to determine to what extent the article I applies to space resources on the celestial bodies in question. Since celestial bodies are not defined, as previously stated, and since there is no mention of space “resources” within the OST, national law or doctrine can be used to answer the question. The only national legislations mentioning space resources are the ones in favor of the commercialization, as listed supra (43). Secondary sources, or doctrine, reflect divergent views expressed by scholars at the international level (44). This situation illustrates how national law is filling the legal void previously referred to. Nevertheless, which void does it precisely try to fill? The term “appropriation” appears in article II of the OST, alongside with the term “celestial body” which, in article I appears next to “free access”, “equality” and “benefit”. By association, it can be inferred that the States in favor of space commerce do not object to the idea of the extension of these principles to space resources. In this case, as space resources regulation seems to emanate from the national level, national antitrust measures constitute, (at the first stage) an adequate legal response, in parallel, to contain and monitor the risk of monopolization or other anti-competitive behavior in space (an international level field). Such measures could indeed be included within current and future national space legislation and enforce fair competition based on the OST principles. This could in turn generate enough momentum and critical mass to trigger an international framework and intensify harmonization efforts (at the second stage), especially with regards to the commercialization of the space sector.

#### Exemptions collapse Rule of the Road – those are necessary to a thriving space industry.

Larsen 18, Paul B. "Minimum International Norms for Managing Space Traffic, Space Debris, and Near Earth Object Impacts." J. Air L. & Com. 83 (2018): 739. (taught air and space law for more than 40 years respectively at Southern Methodist University and at Georgetown University. He is co-author of Lyall and Larsen, Space Law a Treatise (2ne edition Routledge 2017) and of Larsen, Sweeney and Gillick, Aviation Law.)//Miller

D. NON-GOVERNMENTAL ORGANIZATIONS AS MODELS FOR MINIMUM SPACE NORMS Space industry operators are concerned that national and international government-established operating norms may be too restrictive and may kill off the inventive start-up space business initiatives now appearing in the marketplace. No one state or non-governmental entity can appropriate or assert sovereignty over outer space. The Outer Space Treaty Article IX requires states to pay due regard to the corresponding activities of other states.218 But that requirement does not give one state regulatory authority over the business authorities of other states. Article IX merely requires appropriate international consultations.219 Individual space businesses need room to experiment.220 At the same time, they are concerned about the intense competition and the need for some basic safety and traffic rules. Another complication is that the competing space businesses are of different nationalities, and the space businesses authorized by one state may receive inadequate protection from their authorizing state against competing businesses authorized by another state. The nations have to coordinate in order to establish order and basic operating rules for non-sovereign outer space by voluntary agreement. Several operators have sought to join together in associations for their own protection and coordination. A good example is the Space Data Association, in which large space operators like Intelsat, SES, and Euelsat have joined with large manufacturers such as Airbus, and even some space agencies like NASA and the German DLR, to pool information about traffic in outer space.221 They have formed subcommittees on urgent issues such as safety, procedural developments, and interference with radio frequencies.222 However, the large number of small satellite operators have tended to form their own association representing New Space. It is recognized that industry standardsetting organizations, such as the International Standardization Organization (ISO),223 and the new space standardization organization, CONFERS,224 have important roles for setting product standards for the space industry. However, the norms needed for management of space traffic, space debris, and NEOs require minimum government coordination among the states to establish international uniformity. Several industry observers call for some kind of international policing of outer space.225 The private associations can only depend on the goodwill of their competitors in obeying and complying with association rules. Private associations have no inherent police powers for enforcement other than legal action for breach of contract.226 Enforcement of contracts may depend on national laws and on national courts that may favor domestic business over foreign business. Furthermore, associations may be restricted by national antitrust and anti-monopoly laws. Conflicting with the idea of operators working in unison for their common good is the proposition that space operators are basically in business for individual profit. Thus, an individual business may not be willing to sacrifice its profit motives for the sake of public safety. That becomes the nub of the question of whether to leave safety in outer space to be resolved by the non governmental entities: each of the operators will always be motivated by self-interest. A neutral policing authority would therefore be more acceptable to direct traffic than competing business operators. Importantly, the individual national governmental authorities do not have exclusive policing authority in outer space. The only effective solution is to establish international minimum operating norms for space debris generation, space traffic, and planetary defense. It appears that, for space business to succeed, international norms with adequate input from business operators will be the best solution for these urgent public safety problems for space business to succeed. Standards and norms are commercial necessities. They enable businesses to satisfy a larger market demand for their products and services. Some technical standards and norms can be established by the commercial interests without government involvement, but others require minimum governmental regulation and oversight. Space traffic norms will benefit business enterprises, but they require international coordination and policing to assure uniformity. Reduction and elimination of space debris is another activity that requires international coordination combined with national enforcement. Planetary defense against threatening NEOs is yet another area beyond the ability of commercial enterprises to control. These three space activities requiring minimum government safety norms will help businesses prosper and allow space exploration to continue.

### 1AC---Adv---Space Law

#### Antitrust harmonization checks International space law erosion

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11. Discussion

Traditionally, international space law, as opposed to national space law, is not equipped to deal directly with the private sector. However, antitrust has the tools to do so. The broader range of space antitrust might help delve further down into the elusive and transnational commercial law, which is likely to accelerate in the near future and multiply interest around the commodification of the space market. As suggested throughout this paper, space concentration, leading to monopolies, is a likely outcome of the further development of space commerce. To mitigate the risks of monopolization, collusive and of other anti-competitive behavior, especially when considering the particular nature of space resources, to be exchanged on the emerging space-based market – including the complex and specialized services attendant thereto – special ethical and legal safeguards must be put in place to incentivize competition while containing the risks of fragmentation mentioned previously.

This is important to enable a healthy expansion of the ecosystem. Our emphasis on the market forces at play is rooted in the assumption that through the observation of the current trends of commercialization and of the growing number of non-traditional actors (either public or private) stemming from old and from new space-faring nations, it is easier to anticipate risk and to provide supporting regulatory proposals.

Our suggested approach toward an adaptive and polycentric governance model attempts to resolve some of these challenges, by allowing for a bottom-up framework that fosters commercialization, to surface organically, from the players, with minimal outside intervention. Our goal is to prevent the risk of privatization and commercialization that might gradually erode the ethical principles of international space law. To use the analogy of the carrot and the stick in striking a balance between regulatory intervention and free initiative, we prefer the carrot approach. Incentivizing the private sector to compete around ethically balanced markets has the potential to unlock new and unforeseen forces of antitrust in space to channel the fragmentation of forces in a sustainable manner while ensuring the respect of the conventional set of ethical principles to which many corporations already subscribe to in the context of their corporate compliance programs. Here we would an additional layer of space law higher ethical principles (such as enumerated supra) and investigate into further incentivizing soft law implementations. These higher principles are rooted in system interconnectivity and complexity, and have direct consequences on life, planetary protection, environmental aspects, intergenerational equity, etc. In approaching these issues through the angle of antitrust, we argue that antitrust is bound to evolve and to adapt, both in Space and on Earth. Furthermore, a broad space antitrust scope might also benefit from polycentric governance when concrete self-determination claims would manifest, such as Elon Musk’s self-governing principles on Mars. Any future space colonies (or settlements) would either rely on their own resources or would depend on the import and the export of resources, and therefore, on resource commodification. It then follows that having an ethical space antitrust regime well in place appears as a foreseeable necessity. An ethical space antitrust should also consider non-market factors such as the potential new rights granted to specific resources and regulate accordingly (e.g. the equivalent in space of legal rights to natural resources, etc.). Without such an ethical regime framework harnessing uncoordinated competitive forces, one possible outcome would be the dystopia described by Andy Weir’ Artemis economy on the Moon based on “soft landing grams” credits directly applied to one’s consumption of oxygen. A bleak perspective. Finally, antitrust is an adequate response to space property and resources, as property law is, at its basis, domestic law and so is competition law. They can evolve in parallel in the space sector and merge into an international framework, adapted to the international space law forum. There is no internationally harmonized antitrust framework as of this writing, except non-binding UN guidelines. Perhaps, a “space antitrust” would help bridge that gap and contribute to reducing growing issues such as “forum shopping,” fragmentation and “conflict of laws.”

12. Limitations and further research

While this paper is at the exploratory level, further research is necessary in determining the scope of antitrust in space, property and commodities and how ethics can play a role specifically, at the implementation level. Case studies should be conducted with a clear methodology. Moreover, the research must include other financial aspects such as spacebased assets and securities, notably the Space Assets Protocol of the UNIDROIT Cape Town Convention. Finally, more work must be done in terms of international/transnational recommendations for antitrust, as there is no internationally harmonized antitrust governance or regime and it remains heavily politicized – or not enough, depending on the school of thought (Teachout, 2020, p. 212).

13. Conclusion

This paper explored a roadmap into managing fragmentation triggered by the accelerated development of the outer space ecosystem and the rise in non-traditional space actors, be they public or private. International space law no longer suffices to cope with all the new actors, and therefore, transnational alternates are recommended. This paper recommends a transformed antitrust regime, adapted to space, based on the corpus juris spatialis ethics. This could help preventing the risk of space law erosion while privatization and commercialization of space are trending and potentially leading to the commodification of the space market and ecosystem, while space lawyers are still debating internationally as per the principle of non-appropriation and as per what a “space object” should consist of and what property rights could be applicable in space. An interdisciplinary approach could prove very helpful to address this problem. For instance, E. Ostrom’s work on classifying the goods into four categories from an economic standpoint might help space lawyers into classifying space goods once and for all and this could serve as a catalyst for polycentric space governance, governed inter alia, by competing forces. However, these competing forces should rather be seen as the dark matter in a space ecosystem, enabling sustainable synergies and interactions, with intergenerational equity in mind. This would be essential to avoid unregulated speculation based on space commodities, which could prove to be more detrimental in such an extreme environment as space. For instance, speculation benefits from climate change impact on crops and other commodities on Earth. We are all too familiar with the consequences. Imagine what space weather-based speculation could do in space. It could obliterate entire economies at once. One could argue that either space antitrust monitors the space commoditization closely, either space derivatives should be significantly regulated.

#### Space law erosion causes space wars.

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Interregional Academy of Personnel Management, “Private International Space Law. Philosophical and Legal Factors of Approval by the World Community,” 2019, Philosophy and Cosmology, Volume 22, p. 21-22

Consequences of the lack of legal rules of conduct for individuals in space

As the authors have shown above, public international law well regulates the exploration and use of outer space by States. However, more and more private companies and individuals are making real or virtual use of comic space and space bodies. So far, private companies are working closely with the relevant national structures. For example, SpaceX works closely with NASA. It works for profit, but according to public international and national space laws of the United States. Accordingly, while significant problems in this area do not arise. However, after the withdrawal of the orbit of the Earth by the SpaceX company of about 12000 satellites that will give away “free” Internet traffic of all comers, problems without doubt arises. First of all, it will be connected with the protection of intellectual property rights and counter-terrorism. The such States, such as China and Russia, will be categorically against all available Internet because they profess the theory and practice of the state-controlled Internet. In other words, the activities of a private company that will operate under soft (softlaw) space law will conflict with the national laws of sovereign States. Consequently, in the context of private companies and individuals, when using space, they enjoy soft law and act in accordance with a constitutional principle of English law: “Everything which is not forbidden is allowed”.

Even more, there is a violation of the principle of justice and sometimes common sense about the virtual use of cosmic bodies. For example, Dennis M. Hope, the formal owner of the Moon since 1980. In 2015, two private companies, Moonestates and Moonlife Ltd, merged and merged is bring together the community of over 6 million space enthusiasts that have purchased land on the Moon (https://www.moonestates.com/about-us/). MoonEstates.com, and Moonlife Ltd view the “legalities” of selling extraterrestrial property and are quite legally valid in the U.S.A. legislative field (<https://www.moonestates.com/about-us/space-law/>).

From our point of view, it is unacceptable that individuals and organizations that do not enjoy any legitimacy from society should (albeit virtually) use or dispose of space objects as their property. This is a direct road to the future confrontation for the natural resources of space. The worst consequence of which can be real space wars. Philosophy of War and Peace, as well as its influence on the formation of the foundations of national and planetary security strategies, are considered in the study Philosophy of War and Peace: in Search of New European Security Strategy [Bazaluk & Svyrydenko, 2017]. Private international space law, adopted by the international community through the legalization in the UN, has the right to regulate the activities of individuals about comic objects. Consequently, the lack of legal rules of conduct for individuals in space leads to two main types of incidents:

1. Not the settlement of the right of private ownership of space bodies, will not lead to the fair capture of space bodies by persons who do not have the right to do so, and the redistribution of such objects will objectively lead to space wars.

2. Not controlled by the right of private companies to use the near-earth space will lead to a threat to the life and health of the inhabitants of the Earth, negative environmental consequences and legal conflicts, both interstate and private.

#### They go nuclear---AND erode nuclear deterrence.

Dr. Robert Farley 22, Assistant Professor of Security and Diplomacy at the Patterson School at the University of Kentucky, Ph.D. in Political Science from the University of Washington, B.A. from the University of Oregon, “Does A Space War Mean A Nuclear War?,” 1945, 1/9/2022, https://www.19fortyfive.com/2022/01/does-a-space-war-mean-a-nuclear-war/

The recent Russian anti-satellite test didn’t tell the world anything new, but it did reaffirm the peril posed by warfare in space. Debris from explosions could make some earth orbits remarkably risky to use for both civilian and military purposes. But the test also highlighted a less visible danger; attacks on nuclear command and control satellites could rapidly produce an extremely dangerous escalatory situation in a war between nuclear powers. James Acton and Thomas Macdonald drew attention to this problem in a recent article at Inside Defense. As Acton and MacDonald point out, nuclear command and control satellites are the connective tissue of nuclear deterrence, assuring countries that they’re not being attacked and that they’ll be able to respond quickly if they are.

For a long time, these strategic early-warning satellites were akin to a center of gravity in ICBM warfare. Nuclear deterrence requires awareness that an attack is underway. Attacks on the monitoring system could easily be read as an attempt to blind an opponent in preparation for general war, and could themselves incur nuclear retaliation. Thus, the nuclear command and control satellites are critical to the maintenance of nuclear deterrence. They make it possible to distribute an order from the chief of government to the nuclear delivery systems themselves. Consequently, their destruction might lead to hesitation or delay in performing a nuclear launch order.

It was only later that the relevance of satellites for conventional warfare became clear. Satellites could reconnoiter enemy positions and, more importantly, provide communications for friendly forces. Indeed, the expansion of the role of satellites in conventional warfare has complicated the prospect of space warfare. States have a clear reason for targeting enemy satellites which support conventional warfare, as those satellites enable the most lethal part of the kill chain, the communications and recon networks that link targets with shooters. Thus, we now have a situation in which space military assets have both nuclear and conventional roles. In a conflict confusion and misperception could rapidly become lethal. If one combatant views an attack against nuclear command and control as a prelude to a general nuclear attack, it might choose to pre-empt.

Nuclear powers have dealt with problems in this general category for a good long while; would a conventional attack against tactical nuclear staging areas represent an escalation, for example? Would the use of ballistic missiles that can carry either conventional or nuclear weapons trigger a nuclear response? Do attacks against air defense networks that have both strategic and tactical responsibilities run the risk of triggering a nuclear response? There’s also the danger that damage to communications networks designated for conventional combat could force traffic onto the nuclear control systems, further confusing the issue.

No one has ever fought a nuclear war, and no two nuclear powers have engaged in a prolonged, high-intensity conventional conflict. Now that conventional systems have become implicated in space technologies for reconnaissance, targeting, and communications, leaders will have to make very difficult, very careful decisions on what enemy capabilities they want to disrupt. Acton and MacDonald propose a straightforward ban on attacks against nuclear satellite infrastructure, which would also require agreement to keep nuclear and conventional communications networks separate. This is the little ask; countries should plan to fight more carefully. The big ask is for a multilateral ban to prevent future anti-satellite weapons tests in space. This would reduce the danger that debris could close off, temporarily or permanently, human access to certain locations in earth orbit. But given that countries use satellites for the conduct of conventional military operations, it’s a lot to ask for warfighters to consider critical military infrastructure off-limits in any particular conflict.

#### Anticompetitive business practices violate universal principle of right

SP Draphos (“The Philosophy of Competition Law – Paper”, <https://drive.google.com/file/d/1KLhyKZBsqylHwsTGwsmmLTd6JDmXoJhv/view?usp=sharing>) Ngong

As already established the first entry into the antitrust arena is at the political level and so it is logical to begin by considering alternative political philosophical models. The first is the classic liberal theories of Locke and Smith22 in which individual property rights are natural rights derived from labour. This can be viewed alongside Kant’s Universal Principle of Right23, taken further by Hegel24 and more recently by Radin25, in which property rights are argued as being necessary as the basis of human freedom or personhood. As Merges26 points out however, both Locke’s provisos and Kant’s universal Principle of Right limit property rights when they heavily impact on other individuals’ concerns and activities. This can be seen as a first step towards distributive justice, the theories of Rawls27, and a move towards a more societal, inclusive and egalitarian property right. This culminates in the communitarian philosophies that grew in the 1970s and 1980s, epitomised by Walzer28, MacIntyre29, Sandel30 and Taylor31. Instead of property rights focusing on the individual, and the atomised individual of Rawls’ theory, the communitarian philosophical thought focuses on the community nature of such rights. This has culminated in Sandel’s What Money Can’t Buy: The Moral Limits of Markets32. On the other hand neo-liberal orthodoxy, as exemplified by Hayek and Friedman, suggest that the individual is key, the free-market essential, and the State should have as little input as possible.

#### Antitrust harmonization prevents extinction from resource depletion, human rights abuse, and war

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A. The international political environment

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

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

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

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

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

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

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

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

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

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

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

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

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

#### Rules of the road check Russian and Chinese ASATs--- cause Taiwan war, AND deck cred among allies.

Dr. Brian G. Chow 20, Independent Policy Analyst, Spent 25 years as a Senior Physical Scientist Specializing in Space and National Security, Ph.D in Physics from Case Western University, MBA and Ph.D in Finance from the University of Michigan, “Space Traffic Management in the New Space Age,” Strategic Studies Quarterly, Winter 2020, p. 76-78

* Modified for ableist language

The Necessity for Space Traffic Management

In 2018, the Long Term Sustainability (LTS) Working Group of the Committee on the Peaceful Uses of Outer Space (COPUOS) tried to establish voluntary “measures for the safe conduct of proximity space operations.”15 Russia blocked adding these RPO measures to the 21 guidelines developed by the working group over the prior eight years.16 Finally, in June 2019, Russia endorsed the 21 guidelines, but RPO rules were not included. While these guidelines will help avoid accidental collisions of functional satellites with space debris, they will not prevent satellites from being deliberately threatened or disabled by robotic spacecraft.

Even if Russia and China agreed to reconsider RPO measures, there is another problem. COPUOS has long focused only on guidelines for commercial safety, not military security. Taking advantage of this tradition, Russia and China could steer RPO guidelines toward helping commercial operators avoid accidental collisions but leaving the option of using proximity operations to threaten critical US military satellites. This threat could be a powerful instrument for executing their asymmetric strategies to counterbalance the more superior US military capabilities in space. For example, in its 2019 document China Military Power, the US Defense Intelligence Agency states, “PLA [People’s Liberation Army] writings emphasize the necessity of ‘destroying, damaging, and interfering with the enemy’s reconnaissance . . . and communications satellites,’ suggesting that such systems, as well as navigation and early warning satellites, could be among the targets of attacks designed to ‘~~blind and deafen~~ [disorient] the enemy.’ ”17

Such an attack would be most damaging if it is the fateful opening of a war in space or on Earth. China could pre-position and maintain multiple dual-use robotic spacecraft arbitrarily close to our critical satellites. Even more worrying is that this threat will grow. Sometime in the latter half of the 2020s, China will have the capability to pre-position dozens of cheap RPO small satellites (smallsats18) close to dozens of our satellites, such as the Global Positioning System (GPS). Although these spacecraft are slow-moving, they will be able to legally pre-position during peacetime and get unreasonably close. After “legitimately” setting up this threatening posture, China would have an advantage in a crisis, such as one involving Taiwan. If the US intervenes, China could disable critical satellites so quickly that we would not have enough time to defend them. The disabling could severely degrade US war-fighting capabilities. Furthermore, knowing an intervention could fail, the US might decide not to intervene in the first place and would risk its credibility among allies.19 The US could prevent such a threat scenario and outcome by creating and enforcing a more comprehensive STM regime that provides timely warning and prevention.

Already, “rumors have been circulating for years that the Chinese Communist Party (CCP) has developed small satellites with robotic arms that could be used as anti-satellite weapons.” The rumors indicate that “some of the smaller satellites are lighter than 22 pounds, yet have a triple-eye sensor to gauge the shapes of targets and can adjust their speed and rotation, allowing them to grab objects within a distance of six inches, using a single robotic arm.”20 Considering their significant research and development in RPOs and smallsats,21 China as well as Russia can likely deploy a few attackers in the first half of the 2020s and then, in the second half of the decade, dozens of inexpensive smallsats capable of RPOs to mount a simultaneous proximity attack. These proximity ASATs would have a cost ratio (e.g., millions each for ASATs versus hundreds of millions each for a victim’s satellites) highly favorable to the attacker. It would be even more favorable to the attacker if one includes the high cost to the victim of losing the services provided until its satellite capability is fully replaced. Constellations of even dozens of satellites could still be vulnerable. For example, the 32 GPS III satellites, which will replace the current GPS by 2025, cost about half a billion dollars each.22 Dozens of cheap, robotic ASATs could defeat most of these 32 satellites, degrading or eliminating a critical service needed in peacetime and wartime.

#### Taiwan war goes nuclear.

Ayson 21 – Robert, Professor of Strategic Studies at Victoria University of Wellington. “NUCLEAR ESCALATION IN A TAIWAN STRAIT CRISIS?”, Nautilus Institute, <https://nautilus.org/napsnet/napsnet-special-reports/nuclear-escalation-in-a-taiwan-strait-crisis/>, 05-19-2021

The Nuclear Dimension

A military conflict in the Taiwan Strait will have a nuclear dimension regardless of whether the United States is directly involved. Both Taiwan and China know that the latter is nuclear armed and could, at least in theory – but in violation of its No First Use policy – use nuclear weapons against Taiwan.[39] The nuclear dimension is intensified if the United States is factored in, because it means that two nuclear-armed great powers are on opposing sides of an armed conflict. It is intensified further if we make the plausible assumption that one of the reasons that Taiwan is interested in protection from the United States is that the latter has nuclear weapons. America’s arsenal constitutes one of the main appeals of extended deterrence. But it also means that the United States needs to factor in China’s nuclear prowess when it considers the assistance it offers to Taiwan in an armed conflict and the actions it is willing to take against China’s forces.[40]

There are more deliberate and less deliberate ways in which the threshold could be crossed from a Taiwan Strait conventional armed conflict to one involving nuclear weapons. In terms of the deliberate side of the equation, it cannot be exaggerated how big such a decision – by China, by the United States, and/or by both – would be for course of the war and the course of history. Why then might either of them be willing to violate the nuclear taboo that has been in place since 1945? Under what circumstances would such a step make any sense at all as a deliberate policy choice?

We can take some solace that there is no obvious answer to these questions. But there are still some more detailed issues that need to be considered. For example, even if China has been emboldened by its dominant cross-Strait military position to intensify its conventional attacks on Taiwan as the crisis moves into war, it would end up encountering a different balance of military power to the extent that the United States becomes involved. Of course the latter comes with much greater immediate risks than it once did. American analysts may be increasingly aware of the costs and risks of intervening militarily in a Taiwan Strait crisis. They may wonder how quickly the US could reposition its forces for a more protracted conflict with China. Hence Washington probably has less scope to repeat its 1996 playbook. It is arguably harder for the United States to deter a PLA attack on Taiwan today than it was a quarter of a century ago. And it is certainly much harder for the United States to deter China from coercing Taiwan.

Yet if Taiwanese and American deterrence of China has failed, and China is at war with Taiwan, Washington may very well decide to commit to a limited conventional war against China. (Strategic ambiguity raises questions about the time, place, nature and probability of an American response. But these questions don’t allow us to conclude that if China attacks Taiwan, the US won’t get involved in a fighting war). Notwithstanding China’s ability to put American forces at risk, American attacks on PLA force elements could have a devastating effect on China’s military options as the crisis escalates. Some of these measures could be undertaken from a distance: the United States could hold PLA mainland targets at risk even if China had a momentary advantage around Taiwan. And if China initially held the upper hand, Washington might have extra reasons to put mainland PLA targets at risk.

If the United States pursued some of the conventional military steps implied earlier and degraded China’s military by attacking PLA forces situated on the mainland, (including through attacks on missile bases and command systems), then China would face a deteriorating correlation of forces. China’s sense of vulnerability will be much greater than America’s. There is more than a passing possibility that Beijing would feel its time for making choices that mattered was closing in. Perhaps in anticipation of these American measures, the Communist Party leadership may have already decided that it is time to use “all options are on the table” language, hinting at nuclear possibilities. Hinting is about as far as things might go. Writing over a decade ago, admittedly when the distribution of military power was more strongly in America’s favour, Baohui Zhang suggested that “the possibility of China threatening first use of nuclear weapons should not be ruled out when a real crisis in the Taiwan Strait makes U.S. military intervention seemingly unavoidable,”[41] which also reminds us that there is a difference between issuing a threat and carrying it out.

But once those American precision attacks have begun (and China’s conventional and nuclear deterrence has failed to prevent such an intervention) the situation changes. If China’s options to manage and escalate the conventional conflict seem to be getting scarcer because of the effects of American strikes – actual as well as anticipated – what remaining choices will Beijing have aside from crossing the nuclear threshold and putting an end once and for all to its no first use declaratory policy? This runs against the assessment that “there is no evidence that China envisages using nuclear weapons first to gain a military advantage by destroying U.S. conventional forces or to gain a coercive advantage by demonstrating its greater resolve in a conflict with the United States.”[42] But this envisaging has not been occurring when China is losing a conventional war against the United States. And surely the possible targets for a nuclear attack by China would not be confined to the Strait, unraveling any remaining sense of a tacit agreement to limit the geographical confines of the conflict. Would Beijing consider nuclear attacks on US territories in the wider region – including Guam – if it really wanted to exercise some measure of intra-war deterrence (to make the costs of continuing too great for Washington to handle?) Would it want to hold hostage cities and other targets in the Pacific coast of the US mainland?

The hostage-taking scenario may seem farfetched. But if China judged that America’s conventional attacks were sufficiently damaging to warrant the use of nuclear weapons, it would then be obliged to think ahead to what sort of American retaliation would ensue. Any such thinking would be bound to focus minds on the very significant asymmetry between China’s and America’s nuclear forces, and the absence of nuclear options on Beijing’s part that might communicate intentions of fighting a limited nuclear war[43] (however preposterous that notion sounds). But should escalation dominance in such a situation be judged by capability and doctrine (which would favour the United States) or by desperation (which might favour China)?

At this point there is also an obligation to consider whether the United States might be the first of the two nuclear-armed states in this crisis to use nuclear weapons. There is the decades-old precedent of US nuclear threats against China in a Taiwan Strait crisis (which occurred several years before China itself had a nuclear arsenal). But the mid-1950s were the era of massive retaliation strategies, and America’s nuclear weapons were not used. And more than half a century later, United States decision-makers would also have some confidence that many of their military objectives – including knocking out PLA systems on the mainland – could be achieved by using advanced conventional systems (eg conventionally armed cruise missiles launched from offshore). Moreover, while some US attacking options would be vulnerable to China’s pressure (including forces based in regional bases) the United States would retain long-range options (including bombers) that would be very hard for the PLA to reach.

But we need to ask whether the United States would use nuclear weapons first in a Taiwan Strait conflict if the conventional phase of that war was heading strongly in China’s favour? In other words, if it looked like China had a good prospect of turning military outcomes in the Strait into a political victory: unification by force. Taiwan’s future could head in almost any direction, including forceful absorption into China, without any obvious direct threat to America’s own survival. Yet Taiwan’s absorption would imply that Washington had been defeated by China in East Asia. America’s reputation amongst regional allies which depend on it (eg Japan and Korea) would have been seriously affected. Japan’s own security, including against fears of being trapped alongside a triumphant China, would be imperiled by the PLA’s ongoing presence in a Beijing-controlled Taiwan. The temptation for nuclear proliferation in East Asia after America’s failure to protect the interests of its allies would be strong. America’s national security policymakers might argue that despite the enormous costs of using nuclear weapons, (and the moral opprobrium that would follow) at stake in choosing not to use them was the future of the East Asian equilibrium on which many United States vital interests depend.

What then of the less deliberate side of the nuclear ledger? Here I do not have in mind an entirely accidental nuclear war – one in which no obvious decision to proceed with hostile acts was involved. Instead there are risks in any close military-technical and doctrinal interdependence between the conventional and nuclear forces of participants in what begins as a limited war in the Taiwan Strait. The question here is a simple one about a complex situation: can either of the two sides (and especially the United States) put at risk the conventional forces of the other side (and especially China’s) without also endangering the target country’s nuclear forces? Endangering nuclear forces is not necessarily restricted to attacks on delivery systems and warheads – eg the nuclear armed variants of the PLA rocket forces. Also crucial are the command and control, intelligence, surveillance and reconnaisance systems for these nuclear forces, without which their delivery to target may be compromised or prevented. At stake here is China’s confidence that it retains nuclear options in the event of a significant American conventional attack and America’s confidence that it can attack China’s conventional capabilities without unintentionally putting at risk China’s nuclear forces, creating more use them or lose them choices for the adversary.

This problem is not confined to considerations of a crisis in the Taiwan Strait. The late Desmond Ball and I argued a few years ago that any colocation of the PLA’s conventional and nuclear systems could create significant escalatory hazards in a conventional war between China and Japan which brought in the United States as Japan’s security guarantor.[44] Similar risks would be in play should some of the same mainland missile bases that China would use in conducting attacks against Taiwan allow for nuclear as well as conventional options. David Logan argues that while some of these comingling problems have been overstated and others remedied by China’s military reforms, still more may be emerging.[45] P.W. Singer and Ma Xiu have noted that while it was assumed that “the PLA was at least separating its nuclear and conventional forces into distinct and geographically discrete brigades” the deployment of the intermediate range DF26 missile with both conventional and nuclear payloads portends a new and worrying point of instability.[46] If the very same missile offers nuclear as well as conventional options to China, the inadvertent escalation problem raises its dangerous head.

In a thoughtful exploration, Talmadge suggests that in the event the United States attacked the capabilities that China was most likely to use in a missile bombardment across the Strait, China’s leaders would still retain some of their most significant nuclear options (and the command and control systems that would permit their use).[47] What matters less, she argues, are the technical interconnections. What matters more is whether China’s leaders believe (wrongly or rightly) that the United States had decided on a counterforce mission, (conventional or nuclear) designed to disarm China. And this version of the nuclear temptation will grow for China’s leaders, “as more and more of their conventional and nuclear or nuclear-relevant assets come under threat during a conventional war.”[48] It needs hardly to be said that putting assets under threat is part of the modern American military philosophy. This would extend to targeting China’s intelligence, surveillance and reconnaissance systems, vital to PLA missile systems (and so reducing the threat to US forces) but also crucial to China’s ability to know what was going on.

#### Nuclear war causes extinction -- counter-forcing is impossible

Steven Starr 6/11/14 (the Senior Scientist for Physicians for Social Responsibility and Director of the Clinical Laboratory Science Program at the University of Missouri. Starr has published in the Bulletin of the Atomic Scientists and the Strategic Arms Reduction (STAR) website of the Moscow Institute of Physics and Technology; “There Can be No Winners in a Nuclear War”; <https://truthout.org/articles/there-can-be-no-winners-in-a-nuclear-war/>) Ngong

Nuclear war has no winner. Beginning in 2006, several of the world’s leading climatologists (at Rutgers, UCLA, John Hopkins University, and the University of Colorado-Boulder) published a series of studies that evaluated the long-term environmental consequences of a nuclear war, including baseline scenarios fought with merely 1% of the explosive power in the US and/or Russian launch-ready nuclear arsenals. They concluded that the consequences of even a “small” nuclear war would include catastrophic disruptions of global climate and massive destruction of Earth’s protective ozone layer. These and more recent studies predict that global agriculture would be so negatively affected by such a war, a global famine would result, which would cause up to 2 billion people to starve to death. These peer-reviewed studies – which were analyzed by the best scientists in the world and found to be without error – also predict that a war fought with less than half of US or Russian strategic nuclear weapons would destroy the human race. In other words, a US-Russian nuclear war would create such extreme long-term damage to the global environment that it would leave the Earth uninhabitable for humans and most animal forms of life. A recent article in the Bulletin of the Atomic Scientists, “Self-assured destruction: The climate impacts of nuclear war,” begins by stating: “A nuclear war between Russia and the United States, even after the arsenal reductions planned under New START, could produce a nuclear winter. Hence, an attack by either side could be suicidal, resulting in self-assured destruction.” In 2009, I wrote “Catastrophic Climatic Consequences of Nuclear Conflicts” for the International Commission on Nuclear Non-proliferation and Disarmament. The article summarizes the findings of these studies. It explains that nuclear firestorms would produce millions of tons of smoke, which would rise above cloud level and form a global stratospheric smoke layer that would rapidly encircle the Earth. The smoke layer would remain for at least a decade, and it would act to destroy the protective ozone layer (vastly increasing the UV-B reaching Earth) as well as block warming sunlight, thus creating Ice Age weather conditions that would last 10 years or longer. Following a US-Russian nuclear war, temperatures in the central US and Eurasia would fall below freezing every day for one to three years; the intense cold would completely eliminate growing seasons for a decade or longer. No crops could be grown, leading to a famine that would kill most humans and large animal populations. Electromagnetic pulse from high-altitude nuclear detonations would destroy the integrated circuits in all modern electronic devices, including those in commercial nuclear power plants. Every nuclear reactor would almost instantly meltdown; every nuclear spent fuel pool (which contain many times more radioactivity than found in the reactors) would boil off, releasing vast amounts of long-lived radioactivity. The fallout would make most of the US and Europe uninhabitable. Of course, the survivors of the nuclear war would be starving to death anyway. Once nuclear weapons were introduced into a US-Russian conflict, there would be little chance that a nuclear holocaust could be avoided. Theories of “limited nuclear war” and “nuclear de-escalation” are unrealistic. In 2002 the Bush administration modified US strategic doctrine from a retaliatory role to permit preemptive nuclear attack; in 2010, the Obama administration made only incremental and miniscule changes to this doctrine, leaving it essentially unchanged. Furthermore, Counterforce doctrine – used by both the US and Russian military – emphasizes the need for preemptive strikes once nuclear war begins.

Both sides would be under immense pressure to launch a preemptive nuclear first-strike once military hostilities had commenced, especially if nuclear weapons had already been used on the battlefield. Both the US and Russia each have 400 to 500 launch-ready ballistic missiles armed with a total of at least 1800 strategic nuclear warheads, which can be launched with only a few minutes warning. Both the US and Russian Presidents are accompanied 24/7 by military officers carrying a “nuclear briefcase,” which allows them to transmit the permission order to launch in a matter of seconds. Yet top political leaders and policymakers of both the US and Russia seem to be unaware that their launch-ready nuclear weapons represent a self-destruct mechanism for the human race. For example, in 2010, I was able to publicly question the chief negotiators of the New START treaty, Russian Ambassador Anatoly Antonov and (then) US Assistant Secretary of State Rose Gottemoeller, during their joint briefing at the UN (during the Non-Proliferation Treaty Review Conference). I asked them if they were familiar with the recent peer-reviewed studies that predicted the detonation of less than 1% of the explosive power contained in the operational and deployed US and Russian nuclear forces would cause catastrophic changes in the global climate, and that a nuclear war fought with their strategic nuclear weapons would kill most people on Earth. They both answered “no.” More recently, on April 20, 2014, I asked the same question and received the same answer from the US officials sent to brief representatives of the NGOS at the Non-Proliferation Treaty Preparatory Committee meeting at the UN. None of the US officials at the briefing were aware of the studies. Those present included top officials of the National Security Council. It is frightening that President Obama and his administration appear unaware that the world’s leading scientists have for years predicted that a nuclear war fought with the US and/or Russian strategic nuclear arsenal means the end of human history. Do they not know of the existential threat these arsenals pose to the human race . . . or do they choose to remain silent because this fact doesn’t fit into their official narratives? We hear only about terrorist threats that could destroy a city with an atomic bomb, while the threat of human extinction from nuclear war is never mentioned – even when the US and Russia are each running huge nuclear war games in preparation for a US-Russian war. Even more frightening is the fact that the neocons running US foreign policy believe that the US has “nuclear primacy” over Russia; that is, the US could successfully launch a nuclear sneak attack against Russian (and Chinese) nuclear forces and completely destroy them. This theory was articulated in 2006 in “The Rise of U.S. Nuclear Primacy,” which was published in Foreign Affairs by the Council on Foreign Relations. By concluding that the Russians and Chinese would be unable to retaliate, or if some small part of their forces remained, would not risk a second US attack by retaliating, the article invites nuclear war. Colonel Valery Yarynich (who was in charge of security of the Soviet/Russian nuclear command and control systems for 7 years) asked me to help him write a rebuttal, which was titled “Nuclear Primacy is a Fallacy.” Colonel Yarynich, who was on the Soviet General Staff and did war planning for the USSR, concluded that the “Primacy” article used faulty methodology and erroneous assumptions, thus invalidating its conclusions. My contribution lay in my knowledge of the recently published (in 2006) studies, which predicted even a “successful” nuclear first-strike, which destroyed 100% of the opposing side’s nuclear weapons, would cause the citizens of the side that “won” the nuclear war to perish from nuclear famine, just as would the rest of humanity.

### 1AC---Adv---Noble Antitrust

#### Absent US-led noble competition, infrastructure collapse, inequality, and corporatism are inevitable.

Maurice Stucke 20, Douglas A. Blaze Distinguished Professor of Law at the University of Tennessee, Knoxville, School of Law, Specializing in Antitrust Law, J.D. from the Georgetown University Law Center, A.B. from Georgetown University; Ariel Ezrachi, Slaughter and May Professor of Competition Law and Fellow of Pembroke College at the University of Oxford, Director of the University of Oxford Centre for Competition Law and Policy, “Competition Overdose: How Free Market Mythology Transformed Us from Citizen Kings to Market Servants,” 2020, p. 362-368

Duhigg’s classmates are unhappy despite well-paying jobs, but many of us don’t have the luxury of such well-cushioned unhappiness. We are working too hard for not enough pay, no benefits or lousy ones, and no job security. For us the promise of prosperity never arrived, even though we work in a competitive economy, which we’ve been told is the pathway to prosperity. That is the rationale policy makers have offered for their efforts to increase competition, fortify the laws to protect it, and eliminate many of the regulatory restraints that they deem harmful and unnecessary.

You would be right to ask: What went wrong? How have we found ourselves at this unfortunate juncture? And what path should we have followed?

Not the mostly abandoned paths of communism and totalitarianism, which are certainly no better and indeed much worse than the one we’re on. Few among us would want to work or live in a centrally planned economy. Competition often does promote efficiency, economic growth, innovation, and material well-being, just as the competition ideologues insist. And regulations that restrict the freedom of companies can indeed be counterproductive. But we must acknowledge that the oversimplified version of the competition ideology that is being sold to us today, with its assumption that unfettered competition is always and in every circumstance superior to any other path, has not delivered as promised. Increasingly, we see its darker sides.

If looked at objectively, it becomes apparent how reductive the ideology really is, and how much potential there is for abuse. Rather than competition serving us by improving our material living standards (income, consumption, and wealth), this economic tool has become the master that we must serve, the magic elixir we must swallow whole. The economists’ warning labels have been peeled off; the possibility of overdosing from toxic competition has been dismissed outright.

The ever-ascending arrow in the chart on the left depicts the promise of competition; the downward curve of the arrow on the right is a more realistic depiction of where it has led us.

It doesn’t have to be that way, however. From the late-1940s until the mid-1970s, competition really did foster innovation, increase quality, and improve our material living standards. But it was competition that operated in an environment with regulatory protections.

Beginning in the late 1970s, such protections were gradually stripped away as the competition ideology, like kudzu, took over and smothered everything in its path—including the social, moral, and ethical values that might have mitigated its pernicious effects.

Over the past forty years lobbyists, powerful firms, and ideologues have pushed for free market solutions, unmonitored and unregulated, even for services—like prisons—that are particularly ill-suited to an ideology that puts profits and “shareholder value” ahead of all other values. Politicians and policy makers promoted competition as the panacea for nearly every societal ill, while striving both to dismantle existing regulations and to resist any new ones, all in the name of avoiding “regulatory creep”—that supposedly lethal blow to the free market. The result: The regulatory framework and safety nets that are crucial to an inclusive and stable economy are gone. With few incentives to invest in infrastructure or the more general needs of society, the competitive companies that our policy makers promised us would maximize our earning potential have delivered their benefits instead to only a tiny percentage (less than 1 percent) of our population. We, the citizens, are often left to pay the bill (recall the financial meltdown) or the side effects (from your pay slip to your social rights). With most of the benefits pocketed by these fortunate few, income inequality around the globe reached its highest level for the past half century by 2018.3 Wealth inequality (a measure of how much we have rather than how much we earn) was even worse—twice the level of income inequality.4 The $1.5 trillion in tax cuts by the Trump administration, as the United Nations noted, overwhelmingly benefited the wealthy and worsened inequality: “The consequences of neglecting poverty and promoting inequality are clear. The United States has one of the highest poverty and inequality levels among the OECD countries,” and also ranks near the bottom among wealthy countries in terms of labor markets, safety nets, and economic mobility.

The middle class, in the United States and in much of Europe, is shrinking—down to just over 50 percent in the United States and 60 percent in the European Union.6 Once-thriving manufacturing centers where workers could earn a decent living have been reduced to a state of rusting decay brought about by declines in labor’s share of profits, low-skilled workers’ wages, labor force participation, and the start-up rate of new firms (due to barriers erected by powerful incumbents).7 Yet, our elected officials continue to defend the competition ideology, to insist that it will pay off, even as our pocketbooks, health care, and social rights tell us otherwise.

What has happened is that the idealized perfect competition portrayed in the economic textbooks has been squeezed out by the bad forms of competition—monopolistic or toxic or both. Crony capitalism, in which big business and big government cozy up to each other to stifle the good forms of competition, is the order of the day. Economists who have studied the data reveal that under this system many markets have actually become more concentrated and less competitive. And while the profit margins of the most powerful companies increased, innovation may have actually declined.8

Yet the consolidation in the marketplace continues to be defended as necessary. “Unless you have scale and power in the marketplace and with the consumer, you’re just out there scrambling on your own,” an executive at AT&T Inc. said after the federal court allowed it to acquire media conglomerate Time Warner.9

The alignment between big government and big business will continue as long as money and corporate help with reelection remain top-of-mind concerns for so many government officials. This means that we can expect many governmental policies to remain skewed toward helping the wealthy and powerful under the façade of competition, and against regulation in the name of freedom. Writers and thinkers as diverse as Martin Luther King, Jr., Senator Bernie Sanders, former Secretary of Labor Robert Reich, and Robert F. Kennedy, Jr., have inveighed against this state of affairs, which they describe as socialism for the rich (meaning government policy that sees to it that most resources go to the rich, their powerful corporations, and our financial institutions) and capitalism—or as King put it, “rugged individualism”—for the poor (meaning that they are left to struggle on their own). Nobel prize–winning economist Joseph Stiglitz describes the result this way:

We haven’t achieved the minimalist state that libertarians advocate. What we’ve achieved is a state too constrained to provide the public goods—investments in infrastructure, technology, and education—that would make for a vibrant economy and too weak to engage in the redistribution that is needed to create a fair society. But we have a state that is still large enough and distorted enough that it can provide a bounty of gifts to the wealthy.10

If we continue along the current path, our infrastructure will continue to crumble. Public education at the primary and secondary school level will deteriorate even further for those in poor or low-income areas. Rising college tuition will plunge even more students and their families into serious debt.11 And in order to mount a legal defense of their merger strategies, behemoths like AT&T will continue to bleat piteously about having to scramble on their own.

#### Infrastructure disruptions ripple---extinction.

Dennis Pamlin 15. Dennis Pamlin, Executive Project Manager Global Risks, Global Challenges Foundation, and Stuart Armstrong, James Martin Research Fellow, Future of Humanity Institute, Oxford Martin School, University of Oxford. February 2015. “Global Challenges: 12 Risks that threaten human civilization: The case for a new risk category,” Global Challenges Foundation, https://api.globalchallenges.org/static/wp-content/uploads/12-Risks-with-infinite-impact.pdf

Global Challenges – Twelve risks that threaten human civilisation – The case for a new category of risks 89 3.1 Current risks System Collapse 3.1.5 Global Global system collapse is defined here as either an economic or societal collapse on the global scale. There is no precise definition of a system collapse. The term has been used to describe a broad range of bad economic conditions, ranging from a severe, prolonged depression with high bankruptcy rates and high unemployment, to a breakdown in normal commerce caused by hyperinflation, or even an economically-caused sharp increase in the death rate and perhaps even a decline in population. 310 Often economic collapse is accompanied by social chaos, civil unrest and sometimes a breakdown of law and order. Societal collapse usually refers to the fall or disintegration of human societies, often along with their life support systems. It broadly includes both quite abrupt societal failures typified by collapses, and more extended gradual declines of superpowers. Here only the former is included. 3.1.5.1 Expected impact The world economic and political system is made up of many actors with many objectives and many links between them. Such intricate, interconnected systems are subject to unexpected system-wide failures due to the structure of the network311 – even if each component of the network is reliable. This gives rise to systemic risk: systemic risk occurs when parts that individually may function well become vulnerable when connected as a system to a self-reinforcing joint risk that can spread from part to part (contagion), potentially affecting the entire system and possibly spilling over to related outside systems.312 Such effects have been observed in such diverse areas as ecology,313 finance314 and critical infrastructure315 (such as power grids). They are characterised by the possibility that a small internal or external disruption could cause a highly non-linear effect,316 including a cascading failure that infects the whole system,317 as in the 2008-2009 financial crisis. The possibility of collapse becomes more acute when several independent networks depend on each other, as is increasingly the case (water supply, transport, fuel and power stations are strongly coupled, for instance).318 This dependence links social and technological systems as well.319 This trend is likely to be intensified by continuing globalisation,320 while global governance and regulatory mechanisms seem inadequate to address the issue.321 This is possibly because the tension between resilience and efficiency322 can even exacerbate the problem.323 Many triggers could start such a failure cascade, such as the infrastructure damage wrought by a coronal mass ejection,324 an ongoing cyber conflict, or a milder form of some of the risks presented in the rest of the paper. Indeed the main risk factor with global systems collapse is as something which may exacerbate some of the other risks in this paper, or as a trigger. But a simple global systems collapse still poses risks on its own. The productivity of modern societies is largely dependent on the careful matching of different types of capital325 (social, technological, natural...) with each other. If this matching is disrupted, this could trigger a “social collapse” far out of proportion to the initial disruption.326 States and institutions have collapsed in the past for seemingly minor systemic reasons.327 And institutional collapses can create knock-on effects, such as the descent of formerly prosperous states to much more impoverished and destabilising entities.328 Such processes could trigger damage on a large scale if they weaken global political and economic systems to such an extent that secondary effects (such as conflict or starvation) could cause great death and suffering. 3.1.5.2 Probability disaggregation Five important factors in estimating the probabilities of various impacts: 1. Whether global system collapse will trigger subsequent collapses or fragility in other areas. 2. What the true trade-off is between efficiency and resilience. 3. Whether effective regulation and resilience can be developed. 4. Whether an external disruption will trigger a collapse. 5. Whether an internal event will trigger a collapse. 1. Increased global coordination and cooperation may allow effective regulatory responses, but it also causes the integration of many different aspects of today’s world, likely increasing systemic risk. 2. Systemic risk is only gradually becoming understood, and further research is needed, especially when it comes to actually reducing systemic risk. 3. Since systemic risk is risk in the entire system, rather than in any individual component of it, only institutions with overall views and effects can tackle it. But regulating systemic risk is a new and uncertain task. 4. Building resilience – the ability of system components to survive shocks – should reduce systemic risk. 5. Fragile systems are often built because they are more efficient than robust systems, and hence more profitable. 6. General mitigation efforts should involve features that are disconnected from the standard system, and thus should remain able to continue being of use if the main system collapses 7. A system collapse could spread to other areas, infecting previously untouched systems (as the subprime mortgage crisis affected the world financial system, economy, and ultimately its political system). 8. The system collapse may lead to increased fragility in areas that it does not directly damage, making them vulnerable to subsequent shocks. 9. A collapse that spread to government institutions would undermine the possibilities of combating the collapse. 10. A natural ecosystem collapse could be a cause or consequence of a collapse in humanity’s institutions. 11. Economic collapse is an obvious and visible way in which system collapse could cause a lot of damage. 12. In order to cause mass casualties, a system collapse would need to cause major disruptions to the world’s political and economic system. 13. If the current world system collapses, there is a risk of casualties through loss of trade, poverty, wars and increased fragility. 14. It is not obvious that the world’s institutions and systems can be put together again after a collapse; they may be stuck in a suboptimal equilibrium. 15. Power grids are often analysed as possible candidates for system collapse, and they are becoming more integrated. 16. The world’s financial systems have already caused a system collapse, and they are still growing more integrated. 17. The world’s economies are also getting integrated, spreading recessions across national boundaries. 18. The world’s political and legal systems are becoming more closely integrated as well. Any risk has not been extensively researched yet, and there remain strong obstacles (mainly at the nation state level) slowing down this form of integration. 19. The politics of the post-system collapse world will be important in formulating an effective response instead of an indifferent or counterproductive one. 20. System collapses can be triggered internally by very small events, without an apparent cause. 21. External disruptions can trigger the collapse of an already fragile system. 22. The trade-off between efficiency and resilience is a key source of fragility in a world economy built around maximising efficiency. 23. Climate change, mass movements of animals and agricultural mono-cultures are interlinking ecosystems with each other and with human institutions. 24. There is a lot of uncertainty about systemic risk, especially in the interactions between different fragilities that would not be sufficient to cause a collapse on their own.

### 1AC---FW

#### 1] Pleasure and pain *are* intrinsic value and disvalue

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‌Let us start by observing, empirically, that a widely shared judgment about intrinsic value and disvalue is that pleasure is intrinsically valuable and pain is intrinsically disvaluable. On virtually any proposed list of intrinsic values and disvalues (we will look at some of them below), pleasure is included among the intrinsic values and pain among the intrinsic disvalues. This inclusion makes intuitive sense, moreover, for there is something undeniably good about the way pleasure feels and something undeniably bad about the way pain feels, and neither the goodness of pleasure nor the badness of pain seems to be exhausted by the further effects that these experiences might have. “Pleasure” and “pain” are here understood inclusively, as encompassing anything hedonically positive and anything hedonically negative. 2 The special value statuses of pleasure and pain are manifested in how we treat these experiences in our everyday reasoning about values. If you tell me that you are heading for the convenience store, I might ask: “What for?” This is a reasonable question, for when you go to the convenience store you usually do so, not merely for the sake of going to the convenience store, but for the sake of achieving something further that you deem to be valuable. You might answer, for example: “To buy soda.” This answer makes sense, for soda is a nice thing and you can get it at the convenience store. I might further inquire, however: “What is buying the soda good for?” This further question can also be a reasonable one, for it need not be obvious why you want the soda. You might answer: “Well, I want it for the pleasure of drinking it.” If I then proceed by asking “But what is the pleasure of drinking the soda good for?” the discussion is likely to reach an awkward end. The reason is that the pleasure is not good for anything further; it is simply that for which going to the convenience store and buying the soda is good. 3 As Aristotle observes: “We never ask [a man] what his end is in being pleased, because we assume that pleasure is choice worthy in itself.”4 Presumably, a similar story can be told in the case of pains, for if someone says “This is painful!” we never respond by asking: “And why is that a problem?” We take for granted that if something is painful, we have a sufficient explanation of why it is bad. If we are onto something in our everyday reasoning about values, it seems that pleasure and pain are both places where we reach the end of the line in matters of value.

#### 2] Extinction is bad

#### **a] Moral obligation – allowing people to die is unethical and should be prevented because it creates ethics towards other people**

#### **b] Moral uncertainty – if we’re unsure about which interpretation of the world is true – we ought to preserve the world to keep debating about it**

**3] Actor specificity: A] Governments must aggregate since every policy benefits some and harms others, which also means side constraints freeze action. B] States lack wills or intentions since policies are collective actions.**

**Link turns calc indites because the alt would be *no* action.**

#### 6] No act-omission distinction—governments are responsible for everything in the public sphere, so inaction is implicit authorization of action: they have to yes/no bills, which means everything collapse to aggregation.

#### 7] No intent-foresight distinction— If we foresee a consequence, then it becomes part of our deliberation which makes it intrinsic to our action since we intend it to happen.

#### 1] Yes 1AR theory – anything else means infinite abuse A] Drop the debater – 1AR & 1AC are too short to make up for the time trade-off B] No RVIs – 6 min 2NR means they can brute force me every time B] Competing interps – otherwise the 2NR could drown the aff in arguments while playing defense. C] Aff theory first – much larger strategic loss – ¼ of the 1AR vs. 1/7 of the 1NC. D] No 2NR paradigm issues, theory, or RVIs because you have 6 minutes to go for them whereas I only have a 3 minute 2AR to respond so I get crushed on time skew.

### 1

#### 1] Prep – small school debaters only need a few good generics like deterrence, the civilian casualties disad, and the ICJ counterplan to win every util round. But under agonism, since contentions are less variable and analytics are more important, big-school block-writing hoses them every round. Blocks don’t matter nearly as much for util since innovation checks coaching bias.

#### 2] Innovation – there are simply more articles written in the context of util than in agonism – simple Google search proves. Proves util incentivizes a wider variety of arguments than agonism, which causes recycling of old args – proven by the fact that the same agonism justifications have been read every phil round for decades. Think about it – new advantages are broken often, but phil contentions are established at the beginning of the topic and never change for two months.

### 2

#### Kanntianism is homophobic: Being gay is a contradiction in conception, since if everyone had homosexual intercourse, their would be no reproduction. Kant believes this is sex without function, requires sacrificing rational agency for the subordinate end of pleasure.

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Kant's Vorlesung treatment of the crimina carnis contra naturam sounds like Aquinas's and (ignoring the chronology) looks like an extension to other practices of what Kant wrote about masturbation in the Tugendlehre: Uses of sexuality which are contrary to natural instinct and to animal nature are crimina carnis contra naturam. First among them we have onanism. This is abuse of the sexual faculty without any object, the exercise of the faculty in the complete absence of any object of sexuality. The practice is contrary to the ends of humanity and even opposed to animal nature. By it man sets aside his person and degrades himself below the level of animals.74 Kant does not mention that the masturbator might create an object through imagination. What the masturbator does is to have a sexual experience without any worldly object (Aquinas) and hence cannot preserve the species. But notice that Kant says that masturbation "is contrary to the ends of humanity and even opposed to animal nature," as if its being contrary to nature is of independent and secondary moral importance. What seems crucial for Kant is that masturbation "is contrary to the ends of humanity," that is, directly violates the Second Formulation. Kant immediately continues by completing his sparse inventory of three objectionable, sexually unnatural, practices: A second crimen carnis contra naturam is intercourse between sexus homogenii, in which the object of sexual impulse is a human being but there is homogeneity instead of heterogeneity of sex. . . . This practice too is contrary to the ends of humanity; for the end of humanity in respect of sexuality is to preserve the species without debasing the person; but in this instance the species is not being preserved (as it can be by a crimen carnis secundum naturam), but the person is set aside, the self is degraded below the level of the animals, and humanity is dishonoured. The third crimen carnis contra naturam occurs when the object of the desire is in fact of the opposite sex but is not human. Such is sodomy, or intercourse with animals. This, too, is contrary to the ends of humanity and against our natural instinct. It degrades mankind below the level of animals, for no animal turns in this way from its own species.75

#### [2] Making repugnant arguments is a voting issue. Thus, drop the debater, to ensure that debate remains a space safe for all.