

IN RE: LIBERAL DEMOCRACY

A CASE AGAINST THE WORLD'S LEADING POST-WAR POLITICAL THEORY

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INTRODUCTION

On 02 September 1945, Japanese Foreign Minister Mamoru Shigemitsu approached a table, pen in hand, bent down slightly, and signed a piece of paper that would forever shift the trajectory of world history, doing so with a sense of what one would imagine to be remorse, defeat, and possibly even relief in his heart. This paper, signed by the foreign minister, would officially mark the Empire of Japan's formal surrender to the United States, effectively bringing to an end to World War II, the bloodiest war in recorded history up until that point.

Out of the ashes of this war, which saw the Allied Forces of the United States, United Kingdom, Soviet Union, and their allies engage in brutal combat with the Axis Powers of Germany, Japan, Italy, and their respective allies, would rise a new international community—one formalized through the establishment of the United Nations. As such, two new superpowers would rise out of the political remains of Europe and the Global North—the United States and the Soviet Union—and this would give rise to what is now remembered as the Cold War.

The Cold War would essentially pit two differing ideologies against one another—the United States' brand of capitalism through liberal democracy, and the Soviet Union's brand of communism and planned economics, manifesting itself in the form of various different proxy conflicts throughout the world, namely South Asia, Central Africa, and Latin America, as many countries in the Global South attempted to emerge out of World War II's ruins in a prosperous fashion. Ultimately, with the fall of the Berlin Wall and subsequent collapse of the Soviet Union, the United States, after prolonged tensions between 1945-1992, would be able to successfully claim victory in the Cold War, seemingly establishing their brand of liberal democracy as the status quo political mechanism for global peace, stability, and security.

But is that truly the case? Is liberal democracy truly the most effective agent for sustained peace, security, and stability around the world? After thirty years of seemingly unquestioned ideological dominance, the time has come for a proper suit to be brought forth against liberal democracy, in order to challenge this claim. Today, liberal democracy is on trial before the Court of Global Society (CGS) for its claims. In recent years, despite the collapse of the Soviet Union and the concept of socialism and communism as a failure, many of the very complaints against the former Soviet system, such as various different systemic inequalities, have risen up and made themselves prevalent throughout the liberal democratic system, causing a rival system—social democracy¹--to challenge the notion of liberal democracy as the status quo throughout the world.

But as is the case with grievances, there must be a plaintiff and a defendant. In this instance, liberal democracy itself will serve as the defendant, with the United States of America serving as its representative. For the plaintiff, social democracy will bring forth a star witness—none other than Critical Race Theory—serving in dual capacities as witness and representative. In this trial, liberal democracy will be tasked with defending its claims against the accusations of Critical Race Theory in order to resist the winds of social change brought about by Social Democracy, with the final verdict deciding whom will establish (or maintain) custody of global society.

In this case, we will witness the definition and argument(s) of Plaintiff Social Democracy (PSD) and Critical Race Theory (CRT), along with the definition and argument(s) of Defendant Liberal Democracy (DLD) and its capitalist economic theory. This will include a brief background of each theory, the elements that make them what they are, and their key arguments for why they should maintain (or be awarded) custody) by the CGS. In order to properly flesh out DLD's case, we will establish the United States of America as a star witness and representative. Before the

¹ Or democratic-socialism—for the purposes of clarity and of this trial, the two terms will be interchangeable.

court, we will apply DLD's key elements to American society and test the prevailing questions of peace, stability, and security.

This will be done through the lens of PSD-CRT, which aims to expose the critical—and some would argue *fatal*—flaws of DLD, dismantle the theory down to its very roots, and present a series of clear and present solutions that will make a compelling-enough case for PSD-CRT's trial victory. PSD-CRT's trial strategy will essentially be to use the CGS as a righteous tool of judge, jury, and executioner of DLD as we know it.

THE PARTIES

In this trial, there will be two primary actors—the Plaintiff, Social Democracy-Critical Race Theory (PSD-CRT), and the Defendant, Liberal Democracy (DLD). In order to proceed with the merits of this trial, we must first flesh out each side’s respective theoretical structure, beginning with PSD-CRT, followed by DLD and then an ensuing case study—the United States—made available to the court for proper analysis and determination. In a departure from traditional procedural norms, DLD has elected to present their case first. The court, along with PSD-CRT, has agreed to this procedural change and this agreement has been approved by the Court.

Defense: Liberal Democracy

Liberal democracy is defined² as being *a form of representative democracy with free and fair form of elections procedure and competitive political process. Liberal democracy may take various constitutional forms such as a constitutional republic, federal republic, or constitutional monarchy*. An example of a liberal democracy, which will be explained later on, is the United States of America, scheduled to be the central witness and example in this case. Under neoliberalism, George Monbiot explains in *The Guardian*³, competition is a defining characteristic of human relations, redefining citizens as consumers, whose decisions are best demonstrated through commerce—buying and selling, to be exact—which will then result in benefits that a more planned approach to society could never achieve. Essentially, when individuals are pitted against one another in some form or fashion, the *best man wins*—not unlike the beasts of the wild.

² US Legal, ed., “Liberal Democracy,” US Legal, 2020, <https://definitions.uslegal.com/l/liberal-democracy/>.

³ George Monbiot, “Neoliberalism – the Ideology at the Root of All Our Problems,” *The Guardian* (Guardian News and Media, April 15, 2016), <https://www.theguardian.com/books/2016/apr/15/neoliberalism-ideology-problem-george-monbiot>.

The term *neoliberalism*⁴ itself was born in 1938 in Paris—the same place where the term *communism*⁵ was also born—by Ludwig von Mises and Friedrich Hayek, two Austrian exiles who had developed a sour view of social democracy after observing then-President Franklin Delano Roosevelt’s New Deal. Neoliberalism, despite its adoption by center-left political parties in the western world (namely, the United States), is rooted in politically conservative⁶ support, borne out of *conservatives who were frustrated by what they believed were international networks of leftist experts who preached and then implemented schemes for government expansion*. Paul Verhaeghe, also writing for The Guardian⁷ in 2014, was clear on neoliberalism’s inherent sense of meritocracy, defining it as a system *which would have us believe that success depends on individual effort and talents, meaning responsibility lies entirely with the individual and authorities should give people as much freedom as possible to achieve this goal*.

Appealing to the enterprising spirit of the individual, neoliberalism places the responsibility—as well as the reward—upon the individual in question, creating a feeling of pride and self-accomplishment upon the attainment of success. Verhaeghe would go on to explain that our freedom under neoliberalism is inherently tied to our success—someone who is highly skilled and makes something for themselves will thusly be entitled to the rewards associated with the application of those skills. This lines up almost perfectly with *capitalism* as the banner economic theory of the neoliberal political project. Under a capitalist system, an individual is not expected to receive anything that he or she did not work for; it is incumbent upon that person to ensure that

⁴ Ibid.

⁵ The Socialist Party of Great Britain, ed., “Karl Marx and the Paris Commune,” Karl Marx and the Paris Commune (The Socialist Party of Great Britain, 2020), <https://www.worldsocialism.org/spgb/socialist-standard/1970s/1971/no-799-march-1971/karl-marx-and-paris-commune/>.

⁶ S. L. Mudge, “What Is Neo-Liberalism?,” *Socio-Economic Review* 6, no. 4 (2008): pp. 703-731, <https://doi.org/10.1093/ser/mwn016>.

⁷ Paul Verhaeghe, “Neoliberalism Has Brought out the Worst in Us | Paul Verhaeghe,” The Guardian (Guardian News and Media, September 29, 2014), <https://www.theguardian.com/commentisfree/2014/sep/29/neoliberalism-economic-system-ethics-personality-psychopathicstic>.

they are able to discover a means by which they can maximize their profit while minimizing the discontent of those providing those profits.

Neoliberalism, which is essentially endorsed by the Democratic Party of America as explained by its foremost leaders, expands upon the concepts of stimulating competition and encouraging individualism in pursuit of success. As the country's largest left-leaning party, the Democrats, will demonstrate in their 2020 platform. Heading into the 2020 presidential election, the Democratic Party has pledged to *fight to raise wages for working people and improve job quality and security*, promising to raise the federal minimum wage to \$15 an hour by 2026 and repealing right-to-work laws which undermine the development of labor unions.

Democrats have boasted their fight to achieve universal healthcare, taking credit for Medicare, Medicaid, and the Affordable Care Act, the latter being signed into law by the last Democratic President, Barack Obama in 2010. According to their platform, Democrats will continue to fight to ensure that *all Americans can access secure, affordable, high-quality health insurance*⁸, blaming congressional Republicans for their inability to do so, and making plain their desire to secure universal health care through a public option and the lowering of prescription drugs. Under a neoliberal Democratic plan, Americans will have the opportunity to acquire more affordable health care, while simultaneously acknowledging the ever-present social inequalities still in place throughout the country.

Essentially, under a neoliberal agenda, the individual has access to economic freedom, may freely own private property, and will continue to prosper while purchasing services from competing companies offering affordable health care, transit, schools, and other general services.

⁸ "2020 Democratic Party Platform," *2020 Democratic Party Platform* (Milwaukee, Wisconsin: The Democratic National Committee, 2020), <https://www.demconvention.com/wp-content/uploads/2020/08/2020-07-31-Democratic-Party-Platform-For-Distribution.pdf>, 27.

As things currently stand, liberal democracy believes that it is the key to a more prosperous future, so long as middle-income families throughout the United States have a fair shot and a fair shake in terms of opportunity and commerce. This focus on the middle class is the primary focus of the neoliberal agenda, viewing them as social consumers. According to neoliberalism, the priority involves moving forward in order to ensure these rights and privileges for everyone. This, neoliberalism believes, is the key to global peace, stability, and security.

Plaintiff: Social Democracy

Social democracy is defined as, according to Sheri Berman writing for Foreign Policy⁹ in January 2020, *a variant of socialism distinguished by a conviction that democracy makes it both possible and desirable to take advantage of capitalism's upsides while addressing its downsides*. This, according to Berman, can be done through social democracy *by regulating markets and implementing social policies that insulate citizens from those markets' most destabilizing and destructive consequences*¹⁰. The Encyclopedia Britannica¹¹ describes social democracy as *a political ideology that [advocates] a peaceful evolutionary transition of society from capitalism to socialism using established political processes*, based primarily on the communism introduced by Karl Marx and Friedrich Engels but without the militancy and totalitarianism often associated with the ideology. The term *social democracy* itself was born¹² in Germany in 1869 when August Bebel and Wilhelm co-founded the *Social Democratic Workers' Party*, which eventually merged with the

⁹ Sheri Berman, "Can Social Democrats Save the World (Again)?," Foreign Policy (Foreign Policy, January 15, 2020), <https://foreignpolicy.com/2020/01/15/social-democracy-save-world-again-socialism/>.

¹⁰ Ibid.

¹¹ Encyclopædia Britannica, ed., "Social Democracy," Encyclopædia Britannica (Encyclopædia Britannica, inc., 2020), <https://www.britannica.com/topic/social-democracy>.

¹² Ibid.

General German Workers' Union in 1875 to form the Sozialdemokratische Partei Deutschlands—German for the Social Democratic Party of Germany (SPD).

Socialism, on its own merits, is defined as a political theory that *calls for a nation's citizens to control at least some of its means of production*, such as infrastructure, energy, and natural resources; unlike liberal democratic capitalism, which *calls for private owners to control the means of production and keep any profit they make for themselves*, any such surplus or profit from those economic sectors must benefit those same citizens working to produce it. The largest¹³ socialist organization in the United States, the Democratic Socialists of America (DSA), takes this socialist theory one step further, declaring¹⁴ that *the economy and society should be run democratically*—not in the interest of furthering capitalist profits, but in order to meet public needs, *so that ordinary Americans can participate in the many decisions that affect [their] lives*. While some socialists seek to ban private enterprise completely, social democracy essentially seeks to manipulate the extreme wealth [inequality] generated by capitalism in order to cure those very inequalities.

Whether it is referred to as social democracy, democratic socialism, or socialism proper, the main argument being proffered by the Plaintiff is that neoliberal theory may claim to have the best interests of the general public at heart, but the results do not properly correspond to the stated intent. More often than not, neoliberalism prefers placation over progress, striving to achieve the bare minimum in order to appease¹⁵ the majority of a population that does not know better in order

¹³ Kate Aronoff, "Why the Democratic Socialists of America Won't Stop Growing," In These Times, August 9, 2018, https://inthesetimes.com/features/dsa_democratic_socialists_of_america_growth_alexandria-ocasio-cortez-bernie-sanders.html.

¹⁴ Democratic Socialists of America, "What Is Democratic Socialism?," Democratic Socialists of America (DSA) (Democratic Socialists of America (DSA), October 26, 2020), <https://www.dsausa.org/about-us/what-is-democratic-socialism/>.

¹⁵ Paul Krugman, "Appeasement Got Us Where We Are," The New York Times (The New York Times, January 7, 2021), <https://www.nytimes.com/2021/01/07/opinion/donald-trump-fascism.html?action=click&module=Opinion&pgtype=Homepage>.

to ensure that the bourgeoisie may be able to maintain their class status. Neoliberalism does not wish to significantly dismantle the capitalist structure of society that continues the practice of exploitation and appeasement of the masses, whereas social democracy ranges from restricting capitalism enough to ensure the redistribution of wealth and political power to the complete and total dismantling of capitalism in favor of a more socially-oriented distribution of wealth as it currently exists.

Social democracy, as described by DSA, believes in a more democratic management of the immense resources generated and hoarded by the wealthiest of society, in an effort to ensure that the immense wealth in society is properly distributed throughout the general public as opposed to being concentrated in society's elite. Essentially, where neoliberalism wishes to placate and appease, social democracy wishes to progress and advance, while establishing a better society for everyone in a way that ensures that everyone is subject to the same level playing field of justice, fairness, opportunity, and quality of life.

Social democracy believes that when everyone in society has the same access to education, labor, wealth, security, opportunity, and justice, regardless of class, race, sexual orientation, national origin, and this is practiced in earnest, society will be much more prone to peace and security¹⁶. Society will be much less prone to divisions often fostered by liberal democratic capitalism, which, social democracy will claim, profits¹⁷ when communities are divided rather than as an ensemble. This is evident through labor—when laborers are collectively united in the form of a union in a society that allows for unions to freely and democratically develop, they are able to properly establish the necessary leverage needed to negotiate a series of labor-related benefits and

¹⁶ This will be further elaborated upon in PSD-CRT's arguments later on.

¹⁷ Richard D. Wolff, "How Capitalism and Racism Support Each Other," Truthout (Truthout, April 27, 2016), <https://truthout.org/articles/how-capitalism-and-racism-support-each-other/>.

pensions. In a democratic-socialist society, where health care, education, and voting rights are guaranteed as a right (on pain of political upheaval).

As of today, the Annenberg Policy Center¹⁸ states, *there has never been a major political party in the United States that has styled itself as social democratic*. While Democrats have been more accepting than its Republican rival of ideas associated with social democracy or welfare state liberalism, it remains that *both major political parties have maintained their primary commitments to the neoliberal state*, openly avoiding any sort of *identification with full-blown social democracy*, choosing instead to justify any potentially social-democratic initiatives as responsive government action called for by constituents. The difference lies in the practice—neoliberal governments, social democrats argue, provide certain social-democratic projects in response to the wishes of citizens, whereas social democrats believe that such rights—like universal health care, the equal rule of law for all citizens, quality universal education from birth through adulthood, access to a robust public transportation system, and so on—ought to be constitutionally mandated rights instead of political slogans.

Even with this theory as established as it is, the true catalyst lies in not just the right of the citizen to have access to a robust welfare state in pursuit of his or her peace, stability, and security, but the fact that social democracy—as well as most forms of socialism—has indicted neoliberalism for its assumption that *a rising tide lifts all boats*¹⁹, without coming to terms with the reality that social inequalities are not simply addressed by evenly distributing the same rights, privileges, and opportunities. This is where the catalyst of social democracy—*critical race theory*—rears its head against the precepts and assumptions of the neoliberal state.

¹⁸ Annenberg Classroom, “Social Democracy,” Annenberg Classroom, October 9, 2018, <https://www.annenbergclassroom.org/resource/understanding-democracy-hip-pocket-guide/social-democracy/>.

¹⁹ Brunswick Corp, “Brunswick Corp.: A Rising Tide Lifts All Boats (NYSE:BC),” SeekingAlpha, December 14, 2020, <https://seekingalpha.com/article/4394534-brunswick-corp-rising-tide-lifts-all-boats>.

Critical Race Theory (CRT) is discussed in a September 2020 CNN article by Cady Lang²⁰ as a theory which *offers a way of seeing the world that helps people recognize the effects of historical racism in modern American life*, an ever-present stain on society, existing under neoliberal rule since the dawn of the Republic. *Critical race theory*, as explained in an article²¹ written by Faith Karimi for CNN, *has been used to examine how institutional racism manifests in instances like housing segregation, bank lending, discriminatory labor practices and access to education*. Because of the issues that remain present in society, *it has also helped to develop themes and language to address racism and inequality, such as white privilege, intersectionality and microaggressions, among others*. These are all issues that have persisted under neoliberalism and continue to do so to this day. One of the key points of social democracy is that the ever-present stain of white supremacy and historical, systemic racism in society are a crucial impediment to the peace, stability, and security being sought in society.

The Purdue University Writing Lab further elaborates²² on CRT, using it to trace racism *in America through the nation's legacy of slavery, the Civil Rights Movement, and recent events*. *In doing so, it draws from work by writers like Sojourner Truth, Frederick Douglass, W.E.B. Du Bois, Martin Luther King, Jr., and others studying law, feminism, and post-structuralism*. This speaks to common elements of white privilege, institutionalized racism, racial microaggressions in the workplace, and so on. In applying CRT, social democracy argues, it is clear that the neoliberal capitalist approach to society, which views human beings as consumers and not souls, will cause

²⁰ Cady Lang, "What Is Critical Race Theory? Context Behind Trump's Attack," Time (Time, September 30, 2020), <https://time.com/5891138/critical-race-theory-explained/>.

²¹ Faith Karimi, "What Critical Race Theory Is -- and Isn't," CNN (Cable News Network, October 1, 2020), <https://www.cnn.com/2020/10/01/us/critical-race-theory-explainer-trnd/index.html>.

²² Purdue Writing Lab, "Critical Race Theory // Purdue Writing Lab," Purdue Writing Lab, 2021, https://owl.purdue.edu/owl/subject_specific_writing/writing_in_literature/literary_theory_and_schools_of_criticism/critical_race_theory.html.

the inherent social structure of a nation to completely miss these critical problems, as commerce cannot adequately track racial injustice in the midst of tabulating profits.

When social democracy demands a more democratized control of resources, it also means that all citizens—not just white or wealthy citizens—be offered the same opportunities while making clear the criticisms against justice. A more democratic control of workplaces and resources views everyone on the basis of their humanity, not their propensity for success. As socialism itself emerged as a result of a critique²³ of capitalism, so shall social democracy persist as a critique against neoliberal capitalism. The rectification of longstanding social ills will, PSD-CRT claims, contribute mightily to ensuring that peace, stability, and security are guaranteed and rendered much more sustainable than its neoliberal counterpart, which it believes will continue to persist as a socially and racially tone-deaf²⁴ theory with profit at its root. This earnest application of theory, social democracy believes, is essential to global peace, stability, and security.

²³ Michael Harrington, “Socialism Informs the Best of Our Politics,” *In These Times* (In These Times, December 15, 2020), <https://inthesetimes.com/article/socialism-dsa-democratic-socialists-gramsci-capitalism-corporatism>.

²⁴ Ryan Cooper, “The Decline and Fall of Neoliberalism in the Democratic Party,” *The Week* - All you need to know about everything that matters (The Week, January 8, 2018), <https://theweek.com/articles/725419/decline-fall-neoliberalism-democratic-party>.

METHODOLOGY

In order to properly contextualize the relevant impacts on society of both DLD and PSD-CRT, the Court has agreed to create a points-based system through which a quantifiable series of necessary elements of society designed to ensure sustained peace, demonstrated through the forthcoming case study of liberal democracy as demonstrated throughout the United States. In order to guarantee a winner, we will ask an odd number of key questions, analyze the two differing theories, and tabulate the results at the end. Each question will amount to one (1) point. Whomever comes ahead with the most points at the end of the case study will be declared the winner and be subject to the Court's final verdict—as well as the transformation of society as a whole.

AMERICA: A CASE STUDY

The United States of America is known throughout the world as a shining city upon the hill of liberal democracy, especially since the conclusion of World War II. As has been addressed earlier in this case, liberal democracy is on trial, after boasting that its theory alone can bring forth a peaceful, stable, and secure society. DLD wishes to make the case supporting this, while PSD-CRT intends to expose the various flaws in this theory in change for their own. As such, the Court has decided to weigh these merits according to the following six (6) critical elements of society—the right to privacy, universal health care, civic participation in elections, religious freedom, collective bargaining, and education.

1. Is the right to privacy guaranteed to all citizens?

DLD will argue that this is, in fact, the case, and that Democrats wish to ensure this in earnest; neoliberal Democrats have claimed to fight for privacy rights on behalf of all citizens. In fact, Democrats in 2020 have declared²⁵ the need to *protect consumers, employees, patients, and students from data breaches*, doing their best to *take additional steps to protect student data privacy and afford the same protections to digital content as well as physical content*. The neoliberal approach to consumerism seeks to ensure that consumer privacy is as much about ensuring continued consumer participation in privatized services such as the internet. In theory, competition between companies will ensure that privacy rights are respected in the eyes of the consumer, guaranteeing that those rights will continue to be respected indefinitely.

On the other hand, PSD-CRT will counterclaim that privacy rights have been compromised online, particularly via social media, largely in part due to congressional oversight and a failure to properly regulate and prevent large tech companies from being subjected to strict privacy and data

²⁵ 2020 Democratic Party Platform, 27.

retention laws. PSD-CRT will also counterclaim that because these big technology companies are largely concentrated away from the workers that make those companies work, there is little democratic control of the companies themselves. Executive decisions are made far away from the average worker, independent of what a consumer may desire. The failure to prevent monopolization of a social media marketplace will force consumers to use only one product, such as Facebook²⁶ and its subsidiary products Instagram and WhatsApp. While Twitter exists as another social media platform, for example, its lack of democratized control will mean that consumers will be at the mercy of whatever they do. Under social democracy, both Congress and these companies would be at the mercy of the people themselves, thus ensuring accountability and a continued protection of these rights on an indefinite basis.

Advantage: PSD-CRT.

2. Is the right to universal health care guaranteed to all citizens?

Both DLD and PSD-CRT agree that this is not the case in the United States right now, but while DLD will propose a more market-based, profit-driven health care system with a public option designed to drive competition among health insurance companies, PSD-CRT's system has made it clear that health care must be a state-run, universally-accessible service by the government to its citizens. Where DLD believes that health care should be affordable, PSD-CRT believes that health care should be universal. As reported²⁷ by Annalisa Merelli for Quartz in July 2017, *Obamacare*, the neoliberal solution to the health care crisis passed in 2010 which created a health insurance marketplace for health insurance companies for citizens to choose from, with the aid of

²⁶ Amy Loftsgordon, "Social Media and Your Privacy Rights," [www.nolo.com](https://www.nolo.com/legal-encyclopedia/social-media-and-your-privacy-rights.html) (Nolo, February 28, 2019), <https://www.nolo.com/legal-encyclopedia/social-media-and-your-privacy-rights.html>.

²⁷ Annalisa Merelli, "A History of Why the US Is the Only Rich Country without Universal Health Care," Quartz (Quartz, 2017), <https://qz.com/1022831/why-doesnt-the-united-states-have-universal-health-care/>.

a subsidy from the government based on income, *still leaves nearly 30 million people not covered and, as Republicans complain, burdens middle-class Americans with higher insurance premiums and the government with higher subsidies.* The number of currently uninsured Americans eclipses the total populations of whole countries and regions in the world.

Under the PSD-CRT system, income will not be a determinant to health care access, ensuring that even the poorest of society will be able to see a licensed physician for physical or mental health concerns. Under the DLD theory in America, health insurance companies have managed to rake in billions of dollars in profits, while millions of Americans continue to struggle without health care in the middle of the world's worst pandemic²⁸ since 1918. As Reed Abelson reported²⁹ for the New York Times in August 2020, health companies like Humana reported that *its net income rose to \$1.8 billion*, with competitors like Cigna reporting even higher returns. As of 11 January 2021, more than 300,000 Americans have since died of this disease, according to the Centers for Disease Control and Prevention³⁰. PSD-CRT will successfully argue that this system, which establishes the United States of America as the largest country in the world not to guarantee universal health care to its citizens, is unsustainable and is a detriment to peace, stability, and security. The neoliberal Obamacare experiment, PSD-CRT will successfully argue, has failed and must be replaced by a well-funded, universal, single-payer health care system.

Advantage: PSD-CRT.

²⁸ Centers for Disease Control and Prevention, "History of 1918 Flu Pandemic," Centers for Disease Control and Prevention (Centers for Disease Control and Prevention, March 21, 2018), <https://www.cdc.gov/flu/pandemic-resources/1918-commemoration/1918-pandemic-history.htm>.

²⁹ Reed Abelson, "Major U.S. Health Insurers Report Big Profits, Benefiting From the Pandemic," The New York Times (The New York Times, August 5, 2020), <https://www.nytimes.com/2020/08/05/health/covid-insurance-profits.html>.

³⁰ Centers for Disease Control and Prevention, "Provisional Death Counts for Coronavirus Disease 2019 (COVID-19)," Centers for Disease Control and Prevention (Centers for Disease Control and Prevention, January 11, 2021), <https://www.cdc.gov/nchs/nvss/vsrr/covid19/index.htm>.

3. Is the right to equal political participation guaranteed to all citizens?

DLD will argue that more work needs to be done in this area, due to voter suppression laws prevalent throughout the country, primarily in the American South where relics of Jim Crow laws still exist. DLD will claim that it is necessary to reform the voting system through strengthening the Voting Rights Act and federal challenges to state laws making it harder for Americans to vote. DLD will also argue that, based on the Democratic Party Platform, automatic and same-day voter registration, early voting, and universal vote-from-home and vote-by-mail are all proposals designed to ensure equal political participation.

However, PSD-CRT will counterargue by first stating that neoliberalism has had decades to enshrine these policies into law in order to secure these rights for all citizens. The PSD-CRT approach to this would be to take measures to ensure everyone's right to participate in elections by extending voting rights to incarcerated citizens, actually guaranteeing the right to vote in action and not word, and ensuring that citizens are able to elect their representatives through the establishment of an Election Day on the weekend as opposed to the work week.

PSD-CRT will surely agree with some of the proposals put forth by DLD, but will express skepticism on the follow-through. As of right now, the right to equal political participation is not guaranteed to all citizens, as millions of African Americans and other non-white Americans throughout the country have had to endure systemic voter disenfranchisement in their respective neighborhoods. This key aspect of systemic racism discussed through CRT speaks to these issues, and it's clear that the social-democratic response to this question concerning DLD dominance is a clear "no." PSD-CRT will abolish³¹ the Electoral College and institute a national popular vote.

Advantage: PSD-CRT.

³¹ Chris Mason, "It's Time to Abolish The Electoral College," Midwest Socialist, November 3, 2020, <https://midwestsocialist.com/2020/11/03/its-time-to-abolish-the-electoral-college/>.

4. *Is the right to religious freedom (or none) guaranteed to all citizens?*

Religion has been a source of enlightenment and strife throughout the ages. Its use has been manipulated as a tool of oppression and salvation alike. Many wars have been fought over religion, and the Middle Ages were rife with religious-based conquest. DLD will argue that religious freedom is essentially guaranteed to all citizens. As stated under the First Amendment of the United States Constitution's Free Exercise Clause³², *Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof*, Congress is prohibited from restricting an individual's right to practice religion, so long as this religious practice does not infringe upon the rights of someone else. For the most part, as society has continued to move forward, these rights have been expanded upon and better interpreted by the Supreme Court to ensure religious freedom. As of right now, no American is compelled to practice a state or popular religion, and this would be the same under a PSD-CRT society.

Advantage: Draw³³.

5. *Is the right to collectively bargain and form unions guaranteed to all citizens?*

Collective bargaining is a key element in organized labor. Throughout the years, especially dating back to the Industrial Revolution³⁴, workers have united in order to demand a better share of the workforce they've partaken in. DLD will argue that collective bargaining is an integral part of the workplace, and that it will continue to fight for strong unions; however, theory and action are not the same in this instance. As stated earlier, a key element of DLD's theoretical framework

³² Cornell Law School, "Free Exercise Clause," Legal Information Institute (Legal Information Institute, 2021), https://www.law.cornell.edu/wex/free_exercise_clause.

³³ Author's Note: It's not looking good for DLD right now, so for the sake of mercy, we'll count this as a point for DLD.

³⁴ History.com Editors, ed., "Labor Movement," History.com (A&E Television Networks, October 29, 2009), <https://www.history.com/topics/19th-century/labor>.

is the pursuit of profits and privatization. Under a DLD system, this would require some mechanism to prevent unions from either forming or getting too strong. A strong union, not divided by the forces of racism³⁵ and white supremacy, means stronger benefits and higher pay for all workers, which inevitably cuts into company profits and excessive CEO wealth.

As things currently stand in the United States, unions are as weak³⁶ as they've ever been. Dwyer Gunn, writing for Pacific Standard Magazine³⁷ in 2018, explains: *the passage of the Taft-Hartley Act in 1947 placed significant restrictions on unions, most of which still exist. Despite neoliberal Democrats taking power multiple times since the 1940s, unionization continued to decrease. Gunn further explains the effects of the act, stating that it prohibited secondary boycotts and "sympathy" boycotts and opened the door to the right-to-work laws—which prohibit employers from hiring only union employees—that now exist in 27 states around the country.* Such measures would be deemed appalling under a PSD-CRT system, where strong unions would be a lifeblood for not only the economy, but society itself. Democratic control over the means of production would never allow the violation of workers' rights and wealth hoarding.

Advantage: PSD-CRT.

6. *Is the right to a free, quality education from birth through college guaranteed to all citizens?*

An educated society is a society that is peaceful, stable, and secure. According to a study³⁸ by the University of Western Ontario's Lance Lochner, *education, and related education-based*

³⁵ Wilfred D Brown, "Racism Is Hurting the Economic Well-Being of the US and Its Workforce - Including White Workers," The Kinder Institute for Urban Research, August 3, 2020, <https://kinder.rice.edu/urbanedge/2020/08/03/racism-economics-hurting-american-gdp-and-prosperity-white-people>.

³⁶ Robert Gebelhoff, "Opinion | Why Are Unions in the U.S. so Weak?," The Washington Post (WP Company, March 31, 2019), <https://www.washingtonpost.com/news/in-theory/wp/2016/08/01/why-are-unions-in-the-u-s-so-weak/>.

³⁷ Dwyer Gunn, "What Caused the Decline of Unions in America?," Pacific Standard (Pacific Standard, April 24, 2018), <https://psmag.com/economics/what-caused-the-decline-of-unions-in-america>.

³⁸ Lance Lochner, "The Wide-Ranging Benefits of Education," VOX, CEPR Policy Portal (University of Western Ontario, October 17, 2011), <https://voxeu.org/article/wide-ranging-benefits-education>.

initiatives, can reduce crime rates, improve health, lower mortality rates, and increase political participation. At the time of this trial, student loan debt in the United States has reached crisis levels, with, as Abigail Johnson Hess reported³⁹ for CNBC in June 2020, around 44 million Americans collectively holding more than \$1.6 trillion in student debt, with the number rising by the month. Since 2008, *the cost of a four-year college degree increased by 25% and student debt increased by 107%.* This is further exacerbated by the racial pay gap between white and Black Americans. At the moment, *the average white student loan borrower owes around \$30,000 in student debt, whereas the average Black borrower owes closer to \$34,000.*

With DLD as the predominant economic theory in place throughout this time, it is already hard for DLD to make a compelling case for why their theory supports the guarantee of free, quality education from birth through college to all citizens. PSD-CRT has established that a well-funded public education system is necessary to ensure this right, but the neoliberal Democratic Party, in its platform⁴⁰ for the 2020 presidential election, simply wishes to *make college affordable again*, while decrying the continuing segregation⁴¹ of schools to this day, more often than not among income and opportunity. PSD-CRT believes in a fully funded educational system that provides no tuition costs for students seeking higher education and/or trade school, as well as the complete cancellation⁴² of student loan debts, as proposed by democratic-socialist Senator Bernie Sanders of Vermont, which would significantly level⁴³ the knowledge-attainment playing field, so to speak.

³⁹ Abigail J Hess, “How Student Debt Became a \$1.6 Trillion Crisis,” CNBC (CNBC, June 12, 2020), <https://www.cnbc.com/2020/06/12/how-student-debt-became-a-1point6-trillion-crisis.html>.

⁴⁰ 2020 Democratic Party Platform, 7.

⁴¹ Ibid., 41.

⁴² Annie Nova, “Bernie Sanders Proposes Forgiving the Student Debt of 45 Million Americans,” CNBC (CNBC, June 24, 2019), <https://www.cnbc.com/2019/06/24/bernie-sanders-has-a-plan-to-forgive-all-student-debt.html>.

⁴³ Meagan Day, “Why We Need Free College for Everyone - Even Rich People,” Jacobin, October 7, 2019, <https://www.jacobinmag.com/2019/07/free-college-tuition-bernie-sanders-means-testing-universal-social-programs>.

This has been vehemently resisted by neoliberals, who instead⁴⁴ just want to *make public colleges and universities tuition-free for students whose families earn less than \$125,000*, a proposal that DLD has had ample time to both propose and implement over the years, as well as a proposal⁴⁵ to cancel up to \$10,000 in student loan debt. Due to the composition of the Congress, it is unlikely that these proposals will pass, but would under a society which is more democratically controlled by a more educated American people. It is clear that PSD-CRT's model for education, emulated to some extent throughout the European Union⁴⁶, would guarantee the right to a free, quality education from birth through college, ensuring a more educated, peaceful, stable, and secure society.

Advantage: PSD-CRT.

The Court will now retire to chambers for deliberation.

⁴⁴ 2020 Democratic Party Platform, 70.

⁴⁵ Annie Nova, "Biden Will Call on Congress to Forgive \$10,000 in Student Debt for All Borrowers," NBC New York (NBC New York, January 8, 2021), <https://www.nbcnewyork.com/news/business/money-report/student-loan-debt-forgiveness-could-be-closer-than-ever-but-challenges-still-remain/2820211/>.

⁴⁶ Katie Lobosco, "Americans Are Moving to Europe for Free College Degrees," CNNMoney (Cable News Network, February 23, 2016), <https://money.cnn.com/2016/02/23/pf/college/free-college-europe/index.html>.

FINAL VERDICT**Final Score:** PSD-CRT 5 – 1 DLD

In regards to the current case being debated before the Court today, we have no choice but to find in favor of the Plaintiff, Social Democracy-Critical Race Theory, placing upon them the award of societal custody. The Court therefore declares that the United States of America be transitioned away from a liberal democratic society and to a social democratic society, on the clear basis that social democracy, when given the proper means to establish a more democratic economic theory, absent foreign interference, invasion, and/or sanctions, will, in fact, establish a more peaceful, stable, and secure society, one where poverty is all but eradicated as a result of proper wealth redistribution, all citizens have an equal role, right, and opportunity to participate in free and fair elections, education does not depend on zip code but the willingness of the student to learn, and citizens may worship as they please—or choose not to. The many inequalities that have been born under neoliberal capitalism can and will be done away with under a newer, better world as established by the Court, and all citizens will be able to enjoy a private and secure life—the way the human desire to enjoy life intended in the very beginning. It pleases the court.

We are adjourned.

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