## Underview

A2 Purdy

1. Just says that we need an agenda for reform, not that it needs to be political
2. The card just says that legal reform can inspire more legal reform- if I win all legal reform bad this doesn’t matter
3. The demands outlined in this card are really radical, and not something the plan tries to solve “the end of mass incarceration and broader contestation of the long history of the criminalization and control of poor people and people of color in building capitalism”
4. Says that there are people doing legal reforms already- a- the aff’s nonunique b- proves we need thinkers
5. No warrant why there’s spillover

A2 Delgado

1. Card depends on revolution being a far-out and unrealistic concept and gives zero warrants for why that’s true
2. Their card says ‘some small reforms make people complacent and some don’t’- make them prove theirs actually spills over
3. Only indicts ks of the plan

A2 ‘you’re telling minorities what to think’

1. That’s what the plan’s doing
2. No- I’m telling the government what it should be doing

A2 ‘critical theory doesn’t explore its own impacts’

1. That’s just fake- critical theory is all about creating different better futures and determining if they’re good or not
2. If I win a specific impact from any of my ks this is false

A2 Kapoor

1. No warrant given for why the elites have to respect you- talking like thomas jefferson doesn’t get you on cnn
2. The card’s taking about movements that refused the authority of the state through outside of state action- doesn’t apply since your plan is through the state

A2 Zannoti

1. Card doesn’t ‘match up with the tag- never talks about debate
2. Spillover’s fake- mat gaetz and ted cruz ran cap ks
3. Depends on rev being undoable and out of reach
4. Says we have to ‘twist the level of power using whatever means possible’- that def means extra-state action

## T- Governments

#### Interpretation- Debaters must defend the resolution resolved: The Appropriation of outer space by private entities is unjust.

#### Violation- their actor is governments- cross and the internals of the goehring card proves- they’ll say they don’t say governments in the plan text but all of their evidence is in the context of governments doing more regulation in space

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Normally this distinction between morality and justice does not matter very much. But this resolution is different. Why? Because most LD resolutions that use ‘justice’ as the evaluative term focus on government actions. Here are some examples from the last decade: • Resolved: Predictive policing is unjust. • Resolved: The United States’ use of targeted killing in foreign countries is unjust. • Resolved: Placing political conditions on humanitarian aid to foreign countries is unjust. This is significant. There is a sense of the word ‘justice’ where it just describes the proper ordering of government and society. This is the sense of the word that John Rawls uses in his famous quote: “Justice is the first virtue of social institutions, as truth is of systems of thought. A theory however elegant and economical must be rejected or revised if it is untrue; likewise laws and institutions no matter how efficient and well‑arranged must be reformed or abolished if they are unjust.” But even if the difference between justice and morality is blurred when we talk about government action, it is quite clear (philosophically) when we talk about individual action. And this resolution is about whether the action of an individual is unjust. The resolution is not asking ‘should governments ban the private appropriation of outer space.’ Rather, it is asking if individuals commit an injustice in appropriating outer space. At camp, when teaching this resolution, some people read cases about how countries should ban the appropriation of outer space, or about how international law should prohibit such appropriation. But those cases did not actually affirm the resolution. Just because the government should make something illegal, that does not mean the act is unjust before the government passes a law. It was a good idea for the government to ban driving on the left side of the road. But before the government passed a law one way or the other, there was nothing unjust about driving on the left. Similarly, it might be that the government should raise taxes. But that does not mean I’m doing anything unjust by not sending my untaxed income to the state. To say an act is unjust is not the same thing as saying an act should be prohibited. It can be a good idea to pass laws against just acts 11 1 Topic Analysis by Marshall Bierson (like many driving regulations), and it can be a bad idea to pass laws against unjust acts (it is unjust to cheat on one’s spouse, but the government probably should not outlaw infidelity). While legality is connected with justice, it is not the same thing as justice. So, cases that say appropriation should be illegal, are not actually affirming the resolution. They don’t show that appropriation is unjust. 1.2.3 Arguments that Don’t Work This also means that many of the arguments people make on the resolution do not actu‑ ally affirm or negate. For example, I saw many debaters at camp read cases about how the appropriation of outer space resources will contribute to inequality. The basic idea is that only the rich can spend money to acquire resources from outer space, and so such appropriation will mean that the rich get richer. But how does that show the appropriation of outer space resources is unjust? It might well give governments a reason to regulate, or even ban, the appropriation of outer space. But it does not seem to show the appropriation itself is unjust. Rather, what’s unjust is either the rich hoarding resources, or else the government allowing the rich a leg up over everyone else. Either way, it’s not the appropriation itself that is a problem. For example, imagine that Bill Gates goes and appropriate a meteor, and then sets it up so that the proceeds of the meteor fund a charitable trust that redistributes resources to the global poor. If the objection to appropriation was income inequality, then clearly this act of appropriation is fine. What this shows is that it was not the appropriation of outer space resources that was unjust, rather it is the excessive concentration of wealth. Another common argument I saw at camp was the argument that people appropriating outer space resources might lead to an arms race in space. Now, I think there are lots of problems with this argument, but the most fundamental problem is that even if it’s true, it’s not clear that it shows that anyone acts unjustly when appropriating outer space resources. Suppose I know that if I get a good job, it will make my neighbor jealous such that they will begin stealing. Do I act unjustly in getting a good job? No, my neighbor does. But generally, just because my behavior leads someone else to act unjustly, that does not mean that my act itself is unjust. As many philosophers have argued, justice is not a consequentialist value. Indeed, many philosophers have argued that justice is fundamen‑ tally incompatible with utilitarianism. (The Stanford Encyclopedia of Philosophy article on 12 1 Topic Analysis by Marshall Bierson “Justice” has a whole subsection titled: 4.2 Utilitarian theories of justice: three prob‑ lems.) There might, indeed, be utilitarian reasons to think it’s a bad idea to appropriate resources from outer space. But even if such utilitarian reasons show that such appro‑ priation is immoral, they don’t show its unjust. Why? Because those arguments don’t show that the act of appropriation itself wrongs anyone or violates any rights.

**1] Semantics outweigh:**

**A] Topicality is a constitutive rule of the activity and a basic aff burden, they agreed to debate the topic when they came to the tournament**

**B] Jurisdiction -- you can’t vote affirmative if they haven’t affirmed**

**C] It’s the only stasis point we know before the round so it controls the internal link to engagement, and there’s no way to use ground if debaters aren’t prepared to defend it.**

**2] Limits:**

**A] Quantitative – there are tens of of thousands of affs because they can call anything that makes it harder for companies in space as turning away from appropriation**

**B] Qualitative – they take away generic turns like appropriations good and functionally jettison "private entities" from the topic, which shifts away from the core topic lit – also means there is no universal DA to spec affs**

**3] TVA solves – read the aff as advantage – most authors writing about space policy talk about lots of different types**

**4] No PICs offense – potential neg abuse doesn’t justify aff abuse because that would permit infinite 1AC abuse**

**D] Paradigm Issues –**

**1] T is DTD – A] their abusive advocacy skewed the debate from the start B] DTA is incoherent because we indict their advocacy**

**2] Comes before 1AR theory -- A] If we had to be abusive it’s because it was impossible to engage their aff B] T outweighs on scope because their abuse affected every speech that came after the 1AC C] Topic norms outweigh on urgency – we only have a few months to set them**

**3] Use competing interps on T – A] topicality is a yes/no question, you can’t be reasonably topical B] only our interp sets norms -- reasonability is arbitrary and invites judge intervention C] reasonability causes a race to the bottom of questionable argumentation**

**4] No RVIs – A] Forcing the 1NC to go all in on the shell kills substance education and neg strat B] discourages checking real abuse C] Encourages baiting – outweighs because if the shell is frivolous, they can beat it quickly**

## Daoism K

#### Welcome to the realm of desire. Society controls desires- forgetting these structures overwhelms the language barrier that makes all other reformation fail. Thus the role of the ballot is to overwhelm desire.

Hansen, Chad, 3, Daoism (Stanford Encyclopedia of Philosophy), No Publication, 2-19-2003, DOA: 9-4-2021, https://plato.stanford.edu/entries/daoism/, r0w@n

With the importation of Indo-European Buddhism from India, wu-wei started to be interpreted via the Western conceptual apparatus contrasting desire or purpose and reason. This shaped the modern Chinese interpretation and probably undermined the ideal. It became the target of attack among “modern” Chinese who regarded Daoist “non-striving” or “purposelessness” as the source of Chinese passivity. The activist 19th century reformer, Kang You-wei (Kang have-wei) took the denial of the slogan as his scholarly name. 9.5 Pusimplicity (Pre-linguistic Purity) 樸 The Daoist “primitivist” ideal as expressed mainly in the Laozi. It metaphorically represents the result of forgetting mingnames and desires (See Wu-wei). Translations include simplicity, “raw” wood, and D. C. Lau’s more elaborate “uncarved block.” The detailed translation more sensitively expresses Laozi’s point in using the metaphor in the context of a view of names as “cutting” things into types and Laozi’s distinctive theory that such socially constructed distinctions (institutions) control us by controlling our desires. When societies adopt names or terms, it does so in order to instill and regulate desires for one of the pair created by the name-induced distinction. Thus Daoist forgetting requires forgetting names and distinctions, but in doing so, frees itself from the socially induced, unnatural desires that cause strife and unhappiness in society (e.g. status, rare objects, fame, authority). Hence: “The Nameless uncarved block thus amounts to freedom from desire.” (Daode Jing 37) 10. Texts and Textual History Questions of textual theory are the focus of the bulk of modern scholarship. They include these kinds of questions. Existence (did Laozi or Zhuangzi actually exist) Authorship (did they write the texts attributed to them?) Dating (when did they exist or write their texts?) Relations (did Laozi influence Zhuangzi?)

#### Space is just another victim of temporal staticizing reification-–outdated desire structures get replaced and the world keeps moving on– gotta change your argument or you’ll lose the uniqueness debate

Andrea Rinaldi, 16, Research in space: in search of meaning: Life science research aboard the International Space Station has come under scrutiny for its costs and apparent lack of returns, PubMed Central (PMC), 7/11/16, DOA: 12-14-2021, https://www.ncbi.nlm.nih.gov/pmc/articles/PMC4967952/, r0w@n

Humans have been going into space for a number of reasons: to “beat the other side” during the Cold War, out of curiosity, to make the first tentative steps into the great beyond or simply “because it's there”. Yet, to justify continued or even a permanent presence of humans in space now requires better arguments: the aggressive space programmes by China and India, for instance, serve to demonstrate their advanced financial, technological and organizational capacity and international prestige. Private companies are now exploring ways to get humans off the planet for commercial reasons and the military has always had a long‐standing interest in heaving material and humans into orbit. … scientific research was put forward as a major argument for establishing a permanent presence of humans in space… When the first components of the International Space Station (ISS) were launched into orbit in 1998, scientific research was put forward as a major argument for establishing a permanent presence of humans in space; the ISS was soon expanded with several laboratory modules to conduct a wide range of experiments in microgravity (Fig ​(Fig1).1). However, at a time of prolonged financial and political crisis, the future of science in space is uncertain. Intangibles such as “inspirational value” and “motivation for educational excellence” are no longer sufficient to spur significant investments if the results from the ISS laboratories are neither scientifically relevant nor applicable to use on Earth. The US administration has recently proposed to extend ISS operations until 2024, but given the current strained relations with Russia—which plays a vital role in transporting astronauts and materials to and from the ISS through its Soyuz capsules—even access is getting precarious. In the light of these and other problems, research in space needs to refocus its aims and rethink its role. Figure 1 International Space Station First launched in 1998, and continuously inhabited since November 2000, ISS is a joint project among five participating space agencies: NASA, ESA, Canadian Space Agency, Russian Federal Space Agency (Roscosmos) and Japan Aerospace eXploration Agency (JAXA). Credit: ESA.

#### Desire creates its image, look at the shiny rock that we got on the cheap– it’s an inevitable manifestation of our concentrations

Matt Weinzierl, 21, The Commercial Space Age Is Here, Harvard Business Review, 2-12-2021, DOA: 12-14-2021, https://hbr.org/2021/02/the-commercial-space-age-is-here, r0w@n

There’s no shortage of hype surrounding the commercial space industry. But while tech leaders promise us moon bases and settlements on Mars, the space economy has thus far remained distinctly local — at least in a cosmic sense. Last year, however, we crossed an important threshold: For the first time in human history, humans accessed space via a vehicle built and owned not by any government, but by a private corporation with its sights set on affordable space settlement. It was the first significant step towards building an economy both in space and for space. The implications — for business, policy, and society at large — are hard to overstate. In 2019, 95% of the estimated $366 billion in revenue earned in the space sector was from the space-for-earth economy: that is, goods or services produced in space for use on earth. The space-for-earth economy includes telecommunications and internet infrastructure, earth observation capabilities, national security satellites, and more. This economy is booming, and though research shows that it faces the challenges of overcrowding and monopolization that tend to arise whenever companies compete for a scarce natural resource, projections for its future are optimistic. Decreasing costs for launch and space hardware in general have enticed new entrants into this market, and companies in a variety of industries have already begun leveraging satellite technology and access to space to drive innovation and efficiency in their earthbound products and services. In contrast, the space-for-space economy — that is, goods and services produced in space for use in space, such as mining the Moon or asteroids for material with which to construct in-space habitats or supply refueling depots — has struggled to get off the ground. As far back as the 1970s, research commissioned by NASA predicted the rise of a space-based economy that would supply the demands of hundreds, thousands, even millions of humans living in space, dwarfing the space-for-earth economy (and, eventually, the entire terrestrial economy as well). The realization of such a vision would change how all of us do business, live our lives, and govern our societies — but to date, we’ve never even had more than 13 people in space at one time, leaving that dream as little more than science fiction. Today, however, there is reason to think that we may finally be reaching the first stages of a true space-for-space economy. SpaceX’s recent achievements (in cooperation with NASA), as well as upcoming efforts by Boeing, Blue Origin, and Virgin Galactic to put people in space sustainably and at scale, mark the opening of a new chapter of spaceflight led by private firms. These firms have both the intention and capability to bring private citizens to space as passengers, tourists, and — eventually — settlers, opening the door for businesses to start meeting the demand those people create over the next several decades with an array of space-for-space goods and services. Welcome to the (Commercial) Space Age In our recent research, we examined how the model of centralized, government-directed human space activity born in the 1960s has, over the last two decades, made way for a new model, in which public initiatives in space increasingly share the stage with private priorities. Centralized, government-led space programs will inevitably focus on space-for-earth activities that are in the public interest, such as national security, basic science, and national pride. This is only natural, as expenditures for these programs must be justified by demonstrating benefits for citizens — and the citizens these governments represent are (nearly) all on earth. In contrast to governments, the private sector is eager to put people in space to pursue their own personal interests, not the state’s — and then supply the demand they create. This is the vision driving SpaceX, which in its first twenty years has entirely upended the rocket launch industry, securing 60% of the global commercial launch market and building ever-larger spacecraft designed to ferry passengers not just to the International Space Station (ISS), but also to its own promised settlement on Mars. Today, the space-for-space market is limited to supplying the people who are already in space: that is, the handful of astronauts employed by NASA and other government programs. While SpaceX has grand visions of supporting large numbers of private space travelers, their current space-for-space activities have all been in response to demand from government customers (i.e., NASA). But as decreasing launch costs enable companies like SpaceX to leverage economies of scale and put more people into space, growing private sector demand (that is, tourists and settlers, rather than government employees) could turn these proof-of-concept initiatives into a sustainable, large-scale industry. This model — of selling to NASA with the hopes of eventually creating and expanding into a larger private market — is exemplified by SpaceX, but the company is by no means the only player taking this approach. For instance, while SpaceX is focused on space-for-space transportation, another key component of this burgeoning industry will be manufacturing. Made In Space, Inc. has been at the forefront of manufacturing “in space, for space” since 2014, when it 3D-printed a wrench onboard the ISS. Today, the company is exploring other products, such as high-quality fiber-optic cable, that terrestrial customers may be willing to pay to have manufactured in zero-gravity. But the company also recently received a $74 million contract to 3D-print large metal beams in space for use on NASA spacecraft, and future private sector spacecraft will certainly have similar manufacturing needs which Made In Space hopes to be well-positioned to fulfill. Just as SpaceX has begun by supplying NASA but hopes to eventually serve a much larger, private-sector market, Made In Space’s current work with NASA could be the first step along a path towards supporting a variety of private-sector manufacturing applications for which the costs of manufacturing on earth and transporting into space would be prohibitive. Another major area of space-for-space investment is in building and operating space infrastructure such as habitats, laboratories, and factories. Axiom Space, a current leader in this field, recently announced that it would be flying the “first fully private commercial mission to space” in 2022 onboard SpaceX’s Crew Dragon Capsule. Axiom was also awarded a contract for exclusive access to a module of the ISS, facilitating its plans to develop modules for commercial activity on the station (and eventually, beyond it). This infrastructure is likely to spur investment in a wide array of complementary services to supply the demand of the people living and working within it. For example, in February 2020, Maxar Technologies was awarded a $142 million contract from NASA to develop a robotic construction tool that would be assembled in space for use on low-Earth orbit spacecraft. Private sector spacecraft or settlements will no doubt have need for a variety of similar construction and repair tools. And of course, the private sector isn’t just about industrial products. Creature comforts also promise to be an area of rapid growth, as companies endeavor to support the human side of life in the harsh environment of space. In 2015, for example, Argotec and Lavazza collaborated to build an espresso machine that could function in the zero-gravity environment of the ISS, delivering a bit of everyday luxury to the crew. To be sure, people have dreamt of using the vacuum and weightlessness of space to source or make things that cannot be made on earth for half a century, and time and again the business case has failed to pan out. Skepticism is natural. Those failures, however, have been in space-for-earth applications. For example, two startups of the 2010s, Planetary Resources, Inc. and Deep Space Industries, recognized the potential of space mining early on. For both companies, however, the lack of a space-for-space economy meant that their near-term survival depended on selling mined material — precious metals or rare elements — to earthbound customers. When it became clear that demand was insufficient to justify the high costs, funding dried up, and both companies pivoted to other ventures. These were failures of space-for-earth business models — but the demand for in-space mining of raw building material, metals, and water will be enormous once humans are living in space (and are therefore far cheaper to supply). In other words, when people are living and working in space, we are likely to look back on these early asteroid mining companies less as failures and more as simply ahead of their time.

#### It’s a global phenomenon– the desire overwhelms borders, cultures, law, and institutions alike– all hail to the almighty desire

Caroline Haskins, 18, Private space companies no longer have to follow the law, Outline, 5/8/18, DOA: 12-14-2021, https://theoutline.com/post/4469/outer-space-treaty-commerce-free-enterprise-bill-spacex-blue-origin-boeing-lockheed-martin, r0w@n

The Space Commerce Free Enterprise Bill, which passed the House of Representatives yesterday, works off the Outer Space Treaty, which the United States and dozens of other countries signed in 1967 and serves as a basic framework for keeping space safe and accessible for every country. Countries can’t own property on behalf of their own nation, and they’re liable for any private activity from their country. But the U.S.’s new bill won’t apply every part of the Outer Space Treaty to private companies. In other words, the U.S. doesn’t believe that it’s liable for activities of private space companies like SpaceX or Blue Origin. The bill also bundles almost all space mission approvals under one roof, the Office of Space Commerce, to try and encourage as many companies as possible to launch objects into space. The office would be in charge of everything from a theoretical asteroid mining industry to private space stations, which have been proposed as tourist attractions by companies like Blue Origin. So it’s likely that other countries, um, won’t exactly be thrilled about the U.S. disregarding the first major peacemaking treaty for activity in outer space. According to an email to The Outline, Mike Listner, the founder of the private space policy consulting firm Space Law & Policy Solutions, other countries may also be tempted to have a similar disregard for the rules. “The method used by the bill to permit private space activities could create some unfavorable interpretation of international law—and set a bad example for other nations who are enacting private space activities,” Listner said. It’s also not clear that the Office of Commercial Space would have strict guidelines in place for enforcing the Outer Space Treaty for private companies. The treaty also states that countries can’t launch or test “nuclear weapons” or “weapons of mass destruction.” Companies only need to say they don’t plan on bringing or using a nuclear weapon or weapon of mass destruction in space, and there are no guidelines in place for evaluating these claims. Military companies like Boeing are already looking to expand into space, and Trump has expressed interest in a “Space Force.” It seems less likely than ever that the U.S. respects the idea of space as a war-free commons. “The main criticism I have of the Bill is that [its regulation] is about as ‘light touch’ as you could possibly get, almost to the point of being ‘no touch,’” Brian Weeden, the Director of Program Planning for Secure World Foundation, told The Outline in an email. Weeden said that the State Department should probably be assessing whether a company really has peaceful intentions or not. Instead, the responsibility falls under the Office of Space Commerce, which is under the Department of Commerce—a government agency with a reputation for having a lax stance toward regulation. But Weeden said that the Office of Commercial Space is incredibly small: just 8 people work there. And although the Act proposes a big funding increase—from $2 million annually to $5 million—it’s unclear if the office will have the resources to keep up with the influx of applications that the Trump administration is explicitly encouraging. “[The bill] doesn't really address the resources that will be necessary for Commerce to properly do this new job,” Weeden said. Screengrab of a mockup of the Axiom Commercial Space Station. Axiom Space Still, private companies will probably love this bill. Weeden said that placing most approvals under one roof will make it easier for these companies to figure out how to get their missions approved. And theoretically, the success of private space companies could help the U.S. economy. According to Brendan Cunningham, an assistant professor of economics for Eastern Connecticut State University who has written about commercial space, it’s also important to consider that in order for the U.S. economy to actually benefit from commercial space activity, we’d have to use space efficiently. But Cunningham said in an email that the bill fails to consider efficiency at all. “Commons resources are susceptible to overuse and degradation—one example is overfishing,” Cunningham said in an email to The Outline. “Hazardous debris environment and the risk of [space trash collisions] indicate that space is succumbing to this pattern.” It’s not exactly surprising that the U.S. is moving toward deregulating outer space—a de facto arena for soft nationalistic power. Space offers a way to acquire information (like weather, GPS, or national security data) or practice ownership over some small slice of valuable space real estate. Basically, whether it’s military satellites or private space tourism, anything that the U.S. launches into space has value, and the country has made it clear that these corporate interests take priority over the idea that outer space should serve as a commons for all of humanity. And the U.S. is far from alone in this incentive. Australia just created its first space agency, whose explicit goal is to promote private companies. The UK is investing tremendous resources toward growing its domestic space program since the Brexit vote (with limited success). France, Japan, Russia, and China also want in.

#### The aff’s move towards justice lacks the re-evaluation of the relationality of desire and subjecthood that would enable real progress

Joseph Pratt 14, A Daoist Take on American Legal Theory, No Publication, 5-26-2014, DOA: 10-26-2021, https://papers.ssrn.com/sol3/papers.cfm?abstract\_id=2441773, r0w@n

This consciousness is a sense of the world’s inherent goodness, and that a balance between the other and oneself is necessary to experience that beauty. 83 It is an awareness that separation is only for the experience of community and ultimately Oneness and the Dao. It also follows, as some people in early America understood, only when the common weal and individual pursuits are in harmony can people enjoy true equality and liberty and thus the freedom to pursue that happiness the world provides. This enlightened sense brings together Immanuel Kant’s individualism and Jeremy Bentham’s utilitarianism in a way that achieves much more than either could do separately. 84 81 PENNSYLVANIA CONSTITUTION OF 1776, Article XIV (noting “[t]hat a frequent recurrence to fundamental principles, and a firm adherence to justice, moderation, temperance, industry, and frugality are absolutely necessary to preserve the blessings of liberty, and keep a government free”). 82 For an early case law comment on this point, see Currie’s Administrators v. Mutual Assurance Society, 14 Va. 315 (Va. 1809) (noting that a legislature could not limit a subsequent legislature’s actions on a particular matter, but only admonish that any change would violate a natural principle). 83 Professor Gabel calls for realizing an “unalienated relatedness,” while Professor Kennedy might refer to this consciousness as an “intersubjective zap.” See Gabel and Kennedy, Roll Over, supra note 36, at 1-14 (1984). Gabel also noted that union and otherness represent a false duality. Id. at 21. 84 Bentham’s utilitarianism would be considered a communalism to the extent it is concerned with the greatest good for the greatest number of people. In harmony with individualism, this communalism achieves the greatest good for everyone. In other words, there are no losers. Similarly, with respect to Kant’s individualism, people are not considered a means to an end. Electronic copy available at: https://ssrn.com/abstract=2441773 17 The problem is not liberalism per se.85 A strict republicanism, as in state Communism, was as dysfunctional as the Lochner era’s liberalism—both lasted less than 50 years. Whereas capitalism overemphasized the individual, Communism overplayed the communal. Without a genuine connection among people, the forced equality saps the work spirit and the society crumbles. Nor is the solution a capitalistic-socialism, as in modern China—in contrast with the socialisticcapitalism found in America. Emphasizing socialist principles without a deeper connection among the people also only perpetuates a wayward system. The two sets of social norms may differ, but the underlying problem is the same. To foster or preserve this consciousness, the law needs to structure social institutions and decide legal disputes in ways that facilitate this consciousness. In this respect, as in early America, the law must promote a harmonious balance between the common weal and individual pursuits, and discourage purely private material aims, recognizing they are neither productive nor fulfilling as they may seem. In this role, the law must be integrative—it must contemplate various personal and social factors, including the psychological, sociological, political, and economic. 86 At the level of legal theory, the opposing sides like Formalism and 85 This point, and critique of CLS, was noted early on. See Mark Hager, Book Review, Against Liberal Ideology: A Guide to Critical Legal Studies, by Mark Kelman, 37 AM. L. REV. 1051, 1057-59 (1988). 86 Professor Gabel has suggested that such a legal system will stress restorative justice, mediation movements, holistic lawyers and integrated legal education. See Gabel, Spiritual Practice, supra note 33, at 530-531. Electronic copy available at: https://ssrn.com/abstract=2441773 18 Realism as well as naturalism and positivism also must come back together—again as in early America—to constitute a simple holistic wisdom.87 Attaining a harmonious consciousness, at the same time, will reduce the need for law and legal theory. 88 Daoism stresses that in a balanced state, people believe the goodness has occurred naturally.89 Rather than a stratified society, which many early Americans also sought to avoid, people will seek arrangements where they can live and work in harmony with each other. There thus will be less overt economic conflict. Even in contractual matters, people will seek solutions that benefit all— recognizing that to injure another is to injure the group and ultimately oneself. In torts, similarly, the grounded consciousness will make people reasonable in their daily interactions and reduce negligence. When an accident occurs, the focus will also be on restoring the group’s balance—a solution where all may win. Some may question whether such a consciousness and way of life is possible or even preferable to today’s economic circumstances? At the end of feudalism, many also questioned America’s experiment with democracy, and it worked well in some portions of the country for several decades. The eventual widespread loss of this consciousness and balance between the common weal and individual pursuits, moreover, was not due to economic necessity. Rather, it stemmed from a pride in 87

#### Thus the alternative is creating a harmonious consciousness, making the law integrative, contemplative, and reconsiderate of the Western paradigm

Joseph Pratt 14, A Daoist Take on American Legal Theory, No Publication, 5-26-2014, DOA: 10-26-2021, https://papers.ssrn.com/sol3/papers.cfm?abstract\_id=2441773, r0w@n

This consciousness is a sense of the world’s inherent goodness, and that a balance between the other and oneself is necessary to experience that beauty. 83 It is an awareness that separation is only for the experience of community and ultimately Oneness and the Dao. It also follows, as some people in early America understood, only when the common weal and individual pursuits are in harmony can people enjoy true equality and liberty and thus the freedom to pursue that happiness the world provides. This enlightened sense brings together Immanuel Kant’s individualism and Jeremy Bentham’s utilitarianism in a way that achieves much more than either could do separately. 84 81 PENNSYLVANIA CONSTITUTION OF 1776, Article XIV (noting “[t]hat a frequent recurrence to fundamental principles, and a firm adherence to justice, moderation, temperance, industry, and frugality are absolutely necessary to preserve the blessings of liberty, and keep a government free”). 82 For an early case law comment on this point, see Currie’s Administrators v. Mutual Assurance Society, 14 Va. 315 (Va. 1809) (noting that a legislature could not limit a subsequent legislature’s actions on a particular matter, but only admonish that any change would violate a natural principle). 83 Professor Gabel calls for realizing an “unalienated relatedness,” while Professor Kennedy might refer to this consciousness as an “intersubjective zap.” See Gabel and Kennedy, Roll Over, supra note 36, at 1-14 (1984). Gabel also noted that union and otherness represent a false duality. Id. at 21. 84 Bentham’s utilitarianism would be considered a communalism to the extent it is concerned with the greatest good for the greatest number of people. In harmony with individualism, this communalism achieves the greatest good for everyone. In other words, there are no losers. Similarly, with respect to Kant’s individualism, people are not considered a means to an end. Electronic copy available at: https://ssrn.com/abstract=2441773 17 The problem is not liberalism per se.85 A strict republicanism, as in state Communism, was as dysfunctional as the Lochner era’s liberalism—both lasted less than 50 years. Whereas capitalism overemphasized the individual, Communism overplayed the communal. Without a genuine connection among people, the forced equality saps the work spirit and the society crumbles. Nor is the solution a capitalistic-socialism, as in modern China—in contrast with the socialisticcapitalism found in America. Emphasizing socialist principles without a deeper connection among the people also only perpetuates a wayward system. The two sets of social norms may differ, but the underlying problem is the same. To foster or preserve this consciousness, the law needs to structure social institutions and decide legal disputes in ways that facilitate this consciousness. In this respect, as in early America, the law must promote a harmonious balance between the common weal and individual pursuits, and discourage purely private material aims, recognizing they are neither productive nor fulfilling as they may seem. In this role, the law must be integrative—it must contemplate various personal and social factors, including the psychological, sociological, political, and economic. 86 At the level of legal theory, the opposing sides like Formalism and 85 This point, and critique of CLS, was noted early on. See Mark Hager, Book Review, Against Liberal Ideology: A Guide to Critical Legal Studies, by Mark Kelman, 37 AM. L. REV. 1051, 1057-59 (1988). 86 Professor Gabel has suggested that such a legal system will stress restorative justice, mediation movements, holistic lawyers and integrated legal education. See Gabel, Spiritual Practice, supra note 33, at 530-531. Electronic copy available at: https://ssrn.com/abstract=2441773 18 Realism as well as naturalism and positivism also must come back together—again as in early America—to constitute a simple holistic wisdom.87 Attaining a harmonious consciousness, at the same time, will reduce the need for law and legal theory. 88 Daoism stresses that in a balanced state, people believe the goodness has occurred naturally.89 Rather than a stratified society, which many early Americans also sought to avoid, people will seek arrangements where they can live and work in harmony with each other. There thus will be less overt economic conflict. Even in contractual matters, people will seek solutions that benefit all— recognizing that to injure another is to injure the group and ultimately oneself. In torts, similarly, the grounded consciousness will make people reasonable in their daily interactions and reduce negligence. When an accident occurs, the focus will also be on restoring the group’s balance—a solution where all may win. Some may question whether such a consciousness and way of life is possible or even preferable to today’s economic circumstances? At the end of feudalism, many also questioned America’s experiment with democracy, and it worked well in some portions of the country for several decades. The eventual widespread loss of this consciousness and balance between the common weal and individual pursuits, moreover, was not due to economic necessity. Rather, it stemmed from a pride in 87 Opposite theories like formalism and realism as well as naturalism and positivism unite in a wise contemplation to restore the Dao. 88 Others have noted that a common vision of the “Good” reduces explicit laws and legal institutions. See, e.g., ROBERT MANGABEIRA UNGER, LAW IN MODERN SOCIETY 241-242 (1976). 89 The Daodejing stresses this natural way. See, e.g., TAO TE CHING, supra note 5, at 73 (ch. 17). Electronic copy available at: https://ssrn.com/abstract=2441773 19 purely material gain—a sense that the individual self could outstrip the whole. It was a wrong step in a right direction. With a holistic consciousness, people again will be free to create and invent new ways of doing things. These new ways, moreover, will accord with the underlying natural order and thus be more productive than the former methods. In the present, post-capitalistic-industrial era, this harmonious approach will open up new metaphysical-physical possibilities, which have few, if any, of the negative side effects, such as pollution, cancer and war, of the discordant system. Just as America’s early homesteading outstripped feudalistic agricultural systems, a holistic approach to manufacturing will surpass the capitalistic-industrial order’s methods. In connection with a harmonious economy, this consciousness, by creating a stable community of secure individuals, will free people from the alienation and thus errant desire and displacement activity of modern societies. In the balanced state, people will be free to experience the world on a deeper and fuller basis. 90 Each person will have the opportunity to realize his or her unique contribution to the whole and thereby attain the happiness that ordinary existence promises. The social norms that previously channeled and controlled displacement activity will become redundant. When it comes to any such displacement conflict, the law will seek integrative ways to restore individual and societal balance. Finally, this consciousness, by showing individual health is related to universal principles of balance and harmony, will encourage people to lead healthy lives and 90 CLS scholars seeking to transcend ill-liberal tendencies have noted this relationship. See, e.g., Gabel and Kennedy, Roll Over, supra note 36. Electronic copy available at: https://ssrn.com/abstract=2441773 20 take responsibility for their illnesses. Daoist metaphysics demonstrates that harmony between the Yin and Yang applies all the way down to the cellular level (and farther). 91 When people live in balance, they accord with universal principles and experience physical, spiritual, and mental health. People will also recognize disease is a sign of imbalance and a call for adjusting a person’s consciousness. This natural health and individual responsibility will greatly reduce the need for tertiary social welfare norms. This basic change, of course, goes deeper than general legal norms. It calls for a reconsideration of the modern Western paradigm based on material separation (e.g., Newtonian physics, Darwinian biology, Freudian psychology, and Weberian sociology). As already noted, Daoism shows that the explicit separation is only for an implicit connection and ultimately Oneness and the Dao. 92 At the same time, this change in consciousness calls for a return to a holistic sense, as America’s founders understood, of people and the world as inherently good (the divine essence itself). This lucidity will resolve many disputes within academic fields and between science and religious forums. It will bring the various strands of thinking back under a single roof. In this respect, Daoism is a complete account of reality. 93 91 See WANG, YINYANG, supra note 6, at 2, citing the 200 C.E. Huangdi Neijing. 92 Quantum physics certainly challenges the traditional order, and some notable physicists have already argued an approach similar to Daoism. See, e.g., DAVID BOHM, WHOLENESS AND THE IMPLICATE ORDER (1980). See also, DAVID BOHM,ON CREATIVITY 104 (1996) (calling for a new mathematics that calls attention to a whole movement and to particular things only in some secondary function). 93 It’s not that this grand unified theory can be proven rationally, as Daoism holds, it can only be shown that it could be no other way. Electronic copy available at: https://ssrn.com/abstract=2441773 21 At some point, this change in consciousness is inevitable—as Daoism illustrates, the present situation is unsustainable. Conflict has served its purpose: disharmony is necessary for the experience of harmony and ultimately Oneness and the Dao. As described in Part III, however, the current economic conflict is dysfunctional, and the cultural and social welfare strife crippling.94 Throughout history, a conflicted society has always had to evolve or it would collapse;95 and, again, neither the law nor any other social norm could do anything about it. Many of America’s late 18th century constitutionalists understood that the conflict between liberalism and republicanism was inimical to democracy and a natural happiness. As Daoism also notes, this question is not a philosophical issue, it is a metaphysical point. Daoism demonstrates the whole is greater than the sum of its parts. When the implicit connection and explicit separation come together in harmony, a person may experience Oneness and ultimately the Dao.96 This ancient wisdom is simple but profound. In the modern era, thinkers must work to understand its implications. 97 There is much to do within current fields like physics, health, and divinity. In typical 94 Externalities are much greater than most people recognize, and include things like routine pollution, war and cancer. 95 Feudalism, for example, either transitioned to a balanced homesteading (something akin to early America) or collapsed (like what happened in Russia). 96 Professor Wang also noted this point. See WANG, YINYANG, supra note 6, at 223 (describing how “[t]he whole emergent regularity is more than the sum of its parts”). 97 For the many nuances of just the Yin and Yang, see Professor Wang’s book. WANG, YINYANG, supra note 6. Electronic copy available at: https://ssrn.com/abstract=2441773 22 Daoist fashion, this Eastern understanding calls for a Western pragmatism.98 In such a harmoniousstate may lie the solution to the world’s present challenges.

## Case

A2 plan text

Obv doesn’t solve anything- it’s just the imf but they swear they’re legit abt the ost now

1. Not about the imf

A2 wood

1. Only says half are launched for commerical purposes- proves they don’t win the impact

Sliding scale- it’s ½

A2 munoz patchen

1. Sets up no brightline for kessler syndrome- means you can’t vote on the aff since we don’t know if they trip it

A2 johnson

1. It’s 8 years old
2. No warrant why us military advantage is good or key

Haven’t read a card contradicting it

**30% over 200 years**

Lewis, Hugh (January 1, 2021), "Space Debris, Kessler Syndrome, And The Unreasonable Expectation Of Certainty - Room: The Space Journal", Room, Beta R,

https://room.eu.com/article/Space\_debris\_Kessler\_Syndrome\_and\_the\_unreasonable\_expectation\_of\_certainty. Accessed on March 8, 2021. FI

There is now widespread awareness of the space debris problem amongst policymakers, scientists, engineers and the public. Thanks to pivotal work by J.C. Liou and Nicholas Johnson in 2006 we now understand that the continued growth of the debris population is likely in the future even if all launch activity is halted. The reason for this sustained growth, and for the concern of many satellite operators who are forced to act to protect their assets, are collisions that are expected to occur between objects – satellites and rocket stages – already in orbit. In spite of several commentators warning that these collisions are just the start of a collision cascade that will render access to low Earth orbit all but impossible – a process commonly referred to as the ‘**Kessler Syndrome’** after the debris scientist Donald Kessler – the reality **is not likely to be on the scale of these predictions or the events depicted in the film Gravity. Indeed, results presented by the Inter-Agency Space Debris Coordination Committee (IADC) at the Sixth European Conference on Space Debris show an expected increase in the debris population of only 30% after 200 years with continued launch activity.**  Collisions are still predicted to occur, but this is far from the catastrophic scenario feared by some. Constraining the population increase to a modest level can be achieved, the IADC suggested, through widespread and good compliance with existing space debris mitigation guidelines, especially those relating to passivation (whereby all sources of stored energy on a satellite are depleted at the end of its mission) and post-mission disposal, such as de-orbiting the satellite or re-orbiting it to a graveyard orbit. Nevertheless, the anticipated growth of the debris population in spite of these robust efforts merits the investigation of additional measures to address the debris threat, according to the IADC.

We're Past Tipping Point

McKnight, Darren (September 26, 2012), "We’ve Already Passed The Tipping Point For Orbital Debris - IEEE Spectrum", IEEE Spectrum, IEEE, <https://spectrum.ieee.org/aerospace/satellites/weve-already-passed-the-tipping-point-for-orbital-debris> . Accessed on March 29, 2021.

**We’ve Already Passed the Tipping Point for Orbital Debris** The longer we wait, the tougher and more expensive it will be to safeguard satellites By Darren McKnight and Donald Kessler Image: ESA Click image to enlarge. Since the dawn of the space age, more than 20 000 objects larger than a softball have accumulated in Earth’s orbit. About 1000 of those objects are spacecraft that carry active payloads, serving many valuable missions for mankind. But the rest could best be called junk, the by-product of thousands of launches and routine spacecraft deployments, nearly 200 explosions, and several collisions. And this junk poses a serious problem. Many years ago, early orbital debris researchers predicted that parts of Earth’s orbit could eventually become so crowded that accidental collisions would fuel a self-reinforcing boom in the hazardous debris population—even if we put a stop to future launches. That runaway debris generation scenario, often called the Kessler syndrome, may seem far off. But in fact, **the sheer density of derelict objects in orbit has already exceeded what many consider to be the mathematical point of no return. In some of the most congested regions of low earth orbit, this point was actually passed more than 10 years ago**, although the onslaught of chain-reaction collisions will likely take decades to pick up steam. As a result, the threat of this potentially catastrophic domino effect has remained largely invisible. We’ve seen only one bellwether: the violent collision in 2009 of an active Iridium communications satellite with a derelict Russian payload called Cosmos 2251.

A2 stockwell

1. The evidence is just talking about space tourism- not real usage of space
2. No warrant why loopholes go away under a space commons- just passing one bill doesn’t get rid of the ost
3. No warrant why companies can’t help shareholders and public at the same time

A2 spencer

1. Also only about tourism
2. No warrant why compnaies wil only ever do space tourism
3. It’s just some random guy ranting about elon musk
4. The example the card gives for cap bad is the east india company- obv a very different circumstance

A2 levine

1. Says that a group of 77 small countries is already banding together to make distribution equitable- nus the aff
2. Only empirical example is a ubi in alaska- prolly proves the plan hasn’t been theory crafted enough to be viable

A2 goehring

1. No warrant how we implement global governance
2. No warrant who gets power in the global governance
3. No warrant how it gets enforced

Can’t have a huge solvency advocate- just using existing international means

A2 silverstein and panda

1. No warrants why they solve- even if they’re comparatively better their impact is a brightline that they don’t know if they hit

A2 silverstein and panda 2

1. Just asserts that states can work together in space with no warrant- proves the link to the k and that their aff is infeasible

A2 fisk

1. No warrant why we can only deal with the climate from space
2. Says the internal link is having ‘shared policies’- no warrant why the ost doesn’t work