## T- Governments

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

#### Violation-

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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**

## 2- 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

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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.

#### Changing conceptualizations of ‘the self’ and ‘property’ fixes rationalism- it lets us operate outside of traditional worldviews- also lets us overthrow debate norms coherently and completely

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Specific comparisons of Taoist and non-Taoist approaches to global security Having briefly tried to define Taoism and the Tao, and having indicated some of the problems that arise in trying to doing so, I shall now move to the nub of the matter, which is to compare Taoism and rationalism in epistemological terms. I will then compare Taoist thinking with more rationalist thinking about global security in ‘human’ terms, and then with rationalist thinking about global security in more conventional terms. 4.1 Comparing Taoist and rationalist epistemologies The profundity of the concept of the Tao seems to preclude us from using Taoism to describe its meaning in logical, empirical, analytical terms. As a consequence we are typically invited to talk in analogical and metaphorical terms instead. But this is to jeopardize at once the sympathy of most contemporary social scientists, who as a group are likely to require something much more publicly verifiable before considering it reliable. Rationalists are not about to content themselves with accounts of an aptitude for living 6 The story is that of the drunk who returns home at night and loses his key while trying to open the front door to his home. He is subsequently found by a neighbour looking under a lamplight some distance away. After asking what the drunk is doing, and where he lost his key, the neighbour then asks why the drunk is not looking outside his front door. The drunk replies to the effect that the light is brighter under the lamp. Taoism and the concept of global security 71 expressed in ‘stories, verses, maxims’ and the like (Graham, 1989, pp. 199– 200; Giles, 1961 [1889]) If historically or philosophically minded, they will want to be more systematic. If positivists, they will want to use the hypothetico-deductive method. So let us be clear. Rationalism, which is the doctrine within which most thinking and practice about the concept of global security is currently done, prioritizes reason as an end in itself. Taoism, which is the doctrine I am trying to bring to bear upon the rationalist construction of this concept, is a way of thinking and practice that does not. It prioritizes sacral (and in this instance, Taoist) insights instead. These two are seemingly incommensurable. They would seem to represent an unbridgeable epistemological divide. Their protagonists not only talk different analytical languages, they talk past each other as well, which is just what I want to prevent, not just because I do not like dialogues of the deaf, but more importantly, because I think it is to capitulate to rationalism. From the rationalist perspective, Taoism looks anti-rational. As such, it is at best interesting. It is not reliable knowledge. From the Taoist perspective, however, rationalism is what one does with the rational part of one’s mind. It is only part of what Taoists do, nor need it be the larger part, since it includes the injunction to live in a state of sacral spontaneity. I noted above that rationalism is compromised at its root by the kind of self that is required if rationalism is to succeed. I argued that the individuated self – at one mind’s remove from the community – is objectifying. This self is created in turn by learning to be mentally distanced from the communalist context into which ‘one’ was born. Rationalism valorizes this individuated self, typically turning it into a primary normative purpose. Because this bias is built into rationalism itself, and because it limits and distorts so thoroughly what rationalism can do, we have to go outside rationalism to compensate for it. Otherwise, whenever we use rationalism, we will get the world right, but we will also get the world wrong. The most straightforward compensation procedure I know is one that enjoins us to get close to listen, and to take part, that is, to actively eschew the objectifying mind-gaze to participate in what one wants to understand. Anthropologists do this when they immerse themselves in a society not their own. The compensation bid need not stop there, however. It can be carried over from the social ground to the sacral one (and in this case the Taoist one), thus providing the kind of insight not otherwise available to rationalists because of how they choose to know. Those rationalists who get this far will no doubt want to follow their Taoist insights up by considering them rationally, but at least they will have Taoist insights to follow up. At least, having accepted immersion in the ‘shal- 72 Ralph Pettman low’ or meditative end of the experiential pool,7 or even beyond, they may have learned what otherwise they would not have been able to. The rationalist may even want to follow this up with further attempts to take part, and further rationalist reappraisals. By which point we will have constructed a cycle of knowing that is already rolling rationalism forward across the epistemological divide. We are still faced with fundamental uncertainty about the ground on which we stand (though most natural scientists will remain oblivious, and many social scientists likewise.) By eternally returning to both rationalism and Taoism, however, we no longer have to set the one up in opposition to the other. We do not have to abandon our regard for rigour, or our preference for specified indices of comparison, or for reassessing sacral insights in non-sacral ways. But nor do we have to abandon the idea that Taoism has something meaningful to say about the concept of global security. The two are no longer placed in contention, since to place them thus is to cleave to the rationalist line as the surest way to know what is true, and to ignore the way the ontological character of rationalism compromises any such surety. While we are used to having sacral illusion dispelled by analytic clarity, we are not so used to having analytic illusion dispelled by sacral clarity. That is the task before us, however, and it is a task with normative implications considerably more extensive than those rationalists would valorize. How does moving onto Taoist ground, and immersing ourselves in Taoist experience, play out in practice? Our section on mapping the concept of global security began by highlighting the making of modernity. If we start with this general project, and cast it in the light of the general Taoist knack for sacral spontaneity, we see at once how little this knack has to do with the rationalist way of thinking or being. Where the modernist/rationalist talks of empirical logic and scientific representation, the sacralist/Taoist talks (in Graham’s terms, at least) of the rejection of empirical logic, and an ‘infinite regress, testing by tests which in the end are themselves untested’ (Graham, 7 Arriving at Taoist precepts requires the use of what Waley calls ‘quietism’, or the ‘gradual inward-turning of . . . thought’ (Waley, 1934, pp. 43, 45). This involves the use of the mind in non-rationalist, indeed anti-rationalist ways, that allow it to become less distracted and more aware. For rationalists, meditation as a research methodology is too subjective. Why should we accept the results of Taoist quietism, they say, as a way to plan global security, for example, when we can use rationalist bargaining strategies and mediation practices instead? Why, for that matter, should we treat exploitation or global destitution or environmental neglect with meditative detachment, rather than with objective plans for changing the world for the better? Why should we use non-rational illumination to help rulers order the inter-state system when we have publically replicable ways of thinking that allow us to do so scientifically (Graham, 1989, p. 234)? Taoists respond by comparing their accounts of the world with modernist ones. They point out how modernist state-makers are taught to understand world affairs by objectifying. They point out how knowing of this sort is circumscribed by the nature of the primary experience that makes untrammelled reasoning possible (individuation). And they see themselves as eschewing these limits by inviting a different kind of primary experience. Taoism and the concept of global security 73 1981, pp. 10, 11). Where the rationalist talks of the hypothetico-deductive method, the Taoist talks (again in Graham’s terms) of an understanding of the ‘mysterious order which runs through all things’, and the universal motion of chi energy (Graham, 1981, pp. 12, 19–20). Where the rationalist talks of a detached and individuated intellectual vantage-point, separate from society, where reason can be given free reign to cogitate and communicate, the Taoist talks (in Hansen’s terms this time) of ‘heart-minds’ (Hansen, 1992, pp. 53, 85–86). Taoists respond to the situation they are in by unfocusing, that is, by allowing themselves to act with the ‘immediacy of an echo’, rather than the self-consciousness of someone who applies general principles. (Graham, 1981, pp. 6, 12, 14). They invite, in other words, the kind of recognition the ‘heart’ gives ‘when the mind is silent’ (Krishnamurti, 1972, p. 34). This is metaphorical language, but we are not, after all, trying to ascertain what is scientifically true. We are trying to locate scientific truth-finding within its sacral context.8 Faced with global security planning, Taoists highlight the way rationalist attempts to anticipate a particular foreign policy can only reach so far. Taoists highlight how those who really know what they are doing tend to eschew conscious thought to attend instead to the ‘total situation’. This ‘knack’, like a feel for the way a bacterium works, or for how to play a musical instrument, is not one that can be ultimately explained (Graham, 1983, p. 7). Taoists also compare the way they face the future with the way it is faced by those who promote the national interest, for example, or the relevant capitalist/corporate, politico-social, bourgeois, or masculinist interest. The rationalist entertains options A, B, and C, and plays out each one in advance, in a bid to anticipate what will turn out the best. Except that it is not possible to anticipate what will turn out the best. In choosing one policy option, the others cease to exist. Once, for example, option B is chosen, options A and C have no chance of happening. Option A might have been better, or might have been worse. Likewise option C. With the B policy chosen, these alternatives are no longer alternatives. Which is why contemplating such alternatives was futile in the first place, and making decisions on the basis of such contemplations makes no sense at all. It is not possible, that is, to know rationally what is in the national interest. To rely on rationalism is, therefore, to overplay rationalism, which is to underplay Taoism in turn, and to underplay sacral spontaneity (Graham, 1981, p. 14). 8 This is why Taoists see intellectual detachment in terms of a ‘returning’ to the ‘‘root’ or ‘trunk’ or ‘seed’ . . . [or] ‘gate’ . . . [or] ‘axis’ . . .’ (Graham, 1981, p. 21), and tend not to posit a reality behind appearances, as modernists/rationalists do. Taoist thought is figured against a very different metaphysical ground. As Graham says: ‘In so far as we can co-ordinate the Chinese concepts with our own, it seems that the physical world has more being and reality than the Way. However it is only by grasping the Way that we mirror the physical world clearly . . .’ (Graham, 1981, p. 21). 74 Ralph Pettman Modernist proponents of global security demur. Enough people in the world live as if modernist conceptions of global security ought to prevail, they note, for most of these conceptions to prevail in practice. Enough people behave as if world order is made up of sovereign states, for example, for this way of ordering world affairs to be a tangible, global reality. The same applies to liberal marketeering, global modes of making civil identity, the global formation of capitalist classes, the global advent of social movements, and the global advent of gender-specific practices. There is a self-fulfilling quality to the modernist project, and we must deal with its global consequences, they argue, whether the Taoist critique of the rationalist cause is valid or not. This is not to say that the people of the world live in the best of all possible worlds. Perhaps there is a preferred alternative, though perhaps (and this is the Taoist thought) there is no ‘preferred alternative’ either, at least of a rationally accessible sort. Perhaps it is a matter of standing back to look at this cosmos that we are all in, then standing close to listen, then feeling as best we can for how it moves, before standing back to look once more. Perhaps we might even learn something in taking ourselves through such a process, something we might need to know if we are to understand global security. 4.2 Comparing Taoist concerns with human security ones Speaking of the people of the world, I will now move to consider the concept of global security in terms of human security. The concept of human security still tends to be used to describe everything that the statist/militarist forms of security thinking are not (Paris, 2001). I think this is a mistake since I think it is more useful to see strategic security thinking as one aspect of human security thinking. I shall heed the conventional distinction here, however, as a way of comparing Taoist ideas and non-strategic security ones. The Taoist is likely to turn first to the pre- and post-modernist margins that modernist/rationalists create as they seek to extend their hegemonic grasp. Modernists consign to the margins those not deemed rationalistic enough, like women, and those who do not accept modernity as being necessarily beneficial, like many environmentalists. While feminists highlight the male-made character of global security, most feminists are also modernists, however. As such they are not in much of an epistemological mood to listen to Taoists, who they tend to think of as representing a pre-modernist way of thinking. Environmentalists, meanwhile, highlight the impact modernist humankind is having upon the planet’s ecosystems. The modernists among them tend to dismiss Taoist thinking likewise. The Taoist might turn next to those who speak the different analytic lan- Taoism and the concept of global security 75 guages mapped in the first section of this article with regard to the different assumptions analysts make about human nature and nurturing practices. Since those who speak these languages are all rationalists, however, the Taoist is likely to meet with the epistemological incomprehension already discussed. Perhaps the Taoist should apply a more specific Taoist technique, therefore. Perhaps a more particular expression of the Taoist perspective will be able to gain better purchase on the rationalist position. In this section I shall look at human security in the light of the Taoist preference for wu-wei, that is, active pacifism, or ‘no unnatural action’, or, as Graham calls it, ‘Doing Nothing’ (Graham, 1981, p. 288; 1989, pp. 232–233). To Needham, wu-wei means not using force when ‘subtler methods of persuasion, or simply letting things alone to take their own course’ promises a good outcome (Needham, 1956, pp. 37, 68). To Merton it means ‘perfect action – because . . . carried out . . . in perfect harmony with the whole . . . [and] not “conditioned” or “limited” by our own individual needs . . . desires . . . theories and ideas’ (Merton, 1965, p. 28). To Hansen it means action that avoids ‘artificially induced or learned purposes or desires . . . [since g]etting rid of wei . . . [means] freeing us from society’s purposes, socially induced desires, social distinctions or meaning structures . . .’ (Hansen, 1992, p. 214). Clearly, we are going to encounter here the same translation troubles we did earlier. A general reading of the Taoist literature seems to suggest that the Taoist sees wu-wei as a demonstrably caring, humble, frugal, yielding, and wise way to respond, however. It is the kind of (re)action that spares lives as much as it can, while leaving people as much as possible to themselves. It is the kind of (re)action that deals with large matters while they are still small, and fosters ‘being content’. It is the kind of counsel state-makers heed when they keep their ‘sharpest weapons where none can see them’, and regard all weapons as not ‘lovely’. It opposes conquest by force of arms, knows ‘the male’ and yet cleaves to that which is ‘female’, seeks the welfare of ordinary people, and endeavours to see and hear as ordinary people do. It tries not to stimulate the desire for products that are hard to get, and it tries not to legislate kindness or morality, exalt fame or riches, or rely upon either the ritual or overt use of power. In short, it tries to foster gentle friendships, true words, good government, due regulation, and effective deeds (Lao Tzu, 1997, pp. 11, 29, 31, 32, 37, 49, 75, 77, 81). Despite all the in-built universals (what constitutes wisdom or compassion? what is a true word? what is good government? what is an effective deed?), this concept is not a vague one. If it still seems so, it is given a graphic account in the practise of Taoist-inspired martial arts like that of tai 76 Ralph Pettman chi chuan, or judo, or aikido. In tai chi chuan the force of the opponent is returned or redirected, making it possible to prevail by yielding rather than by retaliating. This has important implications for conflict management and conflict resolution, even though it may well be one thing to redirect a punch to the person, and quite another to topple the global edifice of gender discrimination or capitalist exploitation, or to fight a guerrilla war. In Japanese judo, which is derived from the Chinese martial arts, weaker people learn to overcome stronger ones by moving in ways that do not offer resistance (Creel, 1970, p. 67). The same principle is manifest in aikido, a Taoist-style meditation in martial movement, where the purpose is to bring the self into accord ‘with the universe itself ’. This requires the practitioner to prevail over the ‘mind of discord’ in itself. In practice, this does not mean retreat. Nor does it mean retaliation. It means completing the task we all purportedly have, that is ‘to reconcile the world and make human beings one family’ (Uyeshiba, 1963, pp. 177, 178; Pettman, 1993). Returning to the analytic map of the concept of global security provided at the start, we can now compare the thinking of those who speak as liberal analysts of the inter-state system or society, for example, with their optimistic assumptions about the capacity for tit-for-tat behaviour, and Taoist thinking, which makes no such assumptions, and is not constrained by the rationalist context in which such assumptions are articulated. Wu-wei decrees no need to return tit-for-tat in promoting global security. It may mean practising reciprocity. It may not. There is no conceptual obligation either way, since ‘no unnatural action’ is not a contractual practice. The Tao te ching espouses a sense of the human whole instead. Since the Taoist also eschews legislated forms of morality, he or she is not bound to the kind of agreements that make international alliances and organizations possible. In dealing with global security matters, he or she seeks to employ sacral spontaneity rather than analytic deliberation, artlessness rather than purposefulness, and to engage in action not planned in the more premeditated way. This sounds to rationalist ears like a recipe for disaster, since it appears to lack all the certainty they are used to in securing global affairs. There are no agreed rules, or agreed habits of international practice where rules cannot be established, or established ways of using force where co-operative means fail. They are likely to point to the Hitlers of this world, who revel in Taoist-style spontaneity, and who take millions of innocent people down with them. And they are right to do so. Taoists are not racist fascists, however. This kind of spontaneity is not Taoist, even when it gets couched in sacral terms. The key Taoist works read nothing like the ideological writings of a Hitler or one of his ilk. Indeed, they speak from a perspective that shows these writings to be human Taoism and the concept of global security 77 atavisms. They repudiate them comprehensively. Moreover, Hitler was the product of rationalism gone awry. Reaching for the mind-view that made for his rise in the first place is not what we necessarily want to do next. If we turn to the rationalist proponents of world government, we find those who are more optimistic than the liberals about the possibility of global governance, and we find that Taoists do not make this kind of assumption either. Nor do they accept the conceptual constraints involved. Taoists do not see people as being calculating or altruistic. In practise ‘no unnatural action’ makes for a mirror-like appraisal of the moment. It may mean promoting world governance or government. It may not. Given the sacral spontaneity that wu-wei represents, any policy choice may be preferred (Graham, 1981, p. 91). It will depend on what lets most people live out their lives relatively unharassed. In terms of the politico-economic (market-making) dimension to world affairs, the practice of wu-wei may or may not stand in stark contrast to the dog-eat-dog thinking of contemporary economic protectionists, the tit-for-tat thinking of global marketeers, and the hail-fellow-well-met thinking of international socialists. While protectionists always see a need to defend their country against the predatory behaviour of trading and investing ‘others’, Taoists may or may not feel obliged to respond with economic nationalism of this sort. Likewise with the free trading and investing practices that those who see human beings as basically calculating espouse (though the Tao te ching does eschew the stimulation of a desire for products that are hard to get). Nor do Taoists necessarily espouse the planned production and distribution policies that altruistic socialists find most congenial either (though the Tao te ching does recommend distributing a country’s wealth evenly, without legislating kindness). If we focus upon issues to do with global economic development and human want, we can see that Taoists are not constrained to the rationalist languages currently used here to do their thinking with. The concept of wu-wei frees us from the constraints these languages impose. This does not mean that wu-wei prescribes set developmental policies of some other kind, or has a solution it can bring to bear upon a specific famine (though Taoism does enjoin us to be frugal and content, foster the welfare of ordinary people, and not exalt riches). It does mean that wu-wei will always see economic well-being as part of the security equation, however, which is still not an acknowledged part of the rationalist approach to global security. It will always argue that people should not want, as well, which is not yet the basic position in the rationalist world either. In terms of the politico-social dimension to world affairs, we can see how the practice of wu-wei may or may not entail the dog-eat-dog thinking of 78 Ralph Pettman contemporary nationalists, the tit-for-tat thinking of modernist proponents of human rights and democracy, or the hail-fellow-well-met thinking of modernist proponents of social movements. Taoism is not constrained to any particular policy or policies. Indeed, it enjoins us not to get caught up in the conventional thinking that these rationalist ways of talking about the self-in-world-society represent. This does not make it a panacea (though the humane and caring character of Taoism would make it the basis for one, as would its sense of cosmic respect). It does invite us to move beyond the rationalist way of thinking, though, to entertain the Taoist level of experience, before deciding what to do. Which brings us to that part of the analytic map sketched at the beginning that accounts for those who emphasize the importance of human nurturing practices, not human nature. Classical marxists emphasize the materialist nature of the nurturing environment, articulating an analytic language that describes and explains the concept of global security in terms of the capitalist mode of production, capitalist exploitation, and the relevant class struggle. Neo-marxists add a mentalist note to this story to account for the hegemonic power of the ruling class, and its capacity to craft a concept of global security that serves its particular interests. Taoist spontaneity is radically different in that it does not portend any particular alternative to the analytic certainties (neo)marxist doctrines represent. Nor does it preclude the policies they prescribe or proscribe. Wu-wei practice seeks responses that are more immediate, instead, and more appropriate to the global security situation, as read as a whole, and from one moment to the next. It seeks a sense of the whole security situation, before affirming that sense in such a way as to nurture as many concerned as possible. Of the analytic languages that articulate preconceptions about human nurturing practices, constructivism is the one most like Taoism. This analytic language highlights the mentalist aspect of the nurturing environment. It does not recommend any particular policy response, since it merely highlights the mentally-made component to them all. Taoism can look very similar, particularly when we find the Tao te ching recommending that we should think as ordinary people think, which is just what the so-called ‘commonsense’ version of constructivism does (Pettman, 2000). While constructivism does not prescribe a particular way of thinking about the concept of global security, it is still rationalist, however, and it still constrains us to a mentalist rather than a materialist consideration of the concept. Taoism does not. It is non-rationalist and sacralist. And while most rationalists are likely to find this a recipe for epistemological anarchy, some may find that it is an opportunity to explore and assess productive ways of thinking that rationalism precludes. Taoism and the concept of global security 79 4.3 Comparing Taoist concerns with conventional strategic ones The dominant (though not necessarily the most important) language spoken about contemporary world affairs is the (neo)realist one. It articulates all of our dog-eat-dog notions about an anarchic world system, and global and regional balances of power. Compare the concept of wu-wei. This would seem to have nothing to do with the whole politico-strategic spectrum (Pettman, 1998, p. 176). On the one hand we have the classical realist dialect of alliance-hopping, and the neo-realist dialect of structural reasons for self-help. We have prescriptions for the pursuit of the national self-interest, and for the proscription of intervention in other states’ affairs. We have state-centricity, and pessimistic assumptions about human nature. On the other hand we have the Taoist determination to make no such assumptions and accept no such constraints. We have clear but not dogmatic opposition to conquest by force of arms. We have the decision to be as flexible as possible about what foreign policies to adopt, and how to implement them. We have the determination to act or react with profound, indeed sacral spontaneity. Rationalists aptly point out that anything less than sacral spontaneity is likely to fall flat on its face. While we wrestle with whether we are profound enough, however, we can always, as the Tao te ching recommends, keep the state’s biggest guns out of sight, treat them as unattractive (no parades or fly-pasts), use overt force extremely reluctantly, ensure that collateral human damage is kept to an absolute minimum if we do have to use force, and treat any success as a tragedy not a triumph. The ultimate issue in the politico-strategic realm is war. How does wu-wei apply here? Human warring is regularly analysed rationally in terms of a range of causes, kinds and consequences. The results of these analyses are used to plan appropriate politico-strategic practices, whether of an offensive, defensive, or pre-emptive kind. Human warring can also be analysed by meditating, however – that is, by not cogitating so self-consciously upon the ways in which we relate to each other and the world. The results of these meditations can then be used to practice neither offence, defence, or preemption, but a kind of watchfulness, a kind of non-anticipation, a way of being in the world-moment that is equaniminous, open, and aware. The latter is the one that wu-wei exemplifies. It would be worthy but fruitless to try and deal with world conflict

## Case

Plan text- literally says the whole thing is optional- no offense

A2 Tronchetti

1. Everyone’s just gonna ignore international law- the us proves since we circumveted the ost

A2 foster

1. No reason why this treaty needs to define non-governmental orgs- lots of others have
2. They don’t create a dispute resolution program which their card says is key

A2 macwhorter

1. No warrant why legal status necessary
2. Says that authority is debateable bc nobody follows them- disproves aff solvency

A2- wrench

1. Relies on noobdy knowing what ngos are- obv we have other definitions

A2 mallick

1. The card literally says there is consensus on it being illegal- proves ilaw is already being used and fails
2. Income disparity nonunique- developed countries are 100x worse per person than us
3. Card says that for the aff to work there has to be ‘global consensus’- they don’t fiat that and no warrant why now people are suddenly cool with ilaw

A2 drmola

1. It’s a speculative article from 6 years ago saying that one way of doing mining could put asteroids into the orbit
2. Terrorists won’t follow ilaw- it’s nu
3. Active industry makes it easier to detect asteroids- more people look at them post aff

A2 sagan

1. Def won’t cause extinction- joe biden would prolly survive in a bunker
2. Says it’s comparable to one nuclear weapon that we’ve already detonated- obv didn’t cause extinction

A2 koffler

1. Uniqueness is 4 years old- proves the situation is sustainable

A2 taichman

1. Their card literally says that russian never said anything
2. Just says that russia got kinda mad- not that it was a main or core issue- really bad evidence

A2 taichman 2

1. Never says russia and china form an alliance- just that they both might do mining

A2 kevin

1. Says they’re going closer together now- aff is nu
2. Says global balance of power is shifting- lots of alt causes

A2 lissner

1. Just never says extinciton or mentions any impact in the whole card

## 2NR

### Condo Good

Competing interpretation- debaters can run 2 conditional offs

1. info processing- forces the aff to make strategic decisions- biggest internal link to education since life is a decision making game
2. neg flex- aff has infinite prep and the first and last speech, conditional offs are the only neg resource to solving the inherent fairness skew
3. inevitable- any two responses come from multiple worldviews
4. Logic- squo is always an option, the judge shouldn’t have to choose between two bad options
5. Good aff construction- showing that the aff is only better than the status quo or another policy option leads to bad policy, they need be able to prove both- construction is an internal link to education cuz it determines pre-round research
6. Perm check- you get the aff and the perm, I get the k and the squo, otherwise fairness gets destroyed
7. Blip deterrence- in uncondo you can blow up a 2 second perm to 2 minutes of the 1ar, condo key to preventing the strat skew
8. Uncondo gives the aff a 2-1 strat skew since they can either win case outweighs or the counterplan is bad
9. Checks unpredictable add-ons they could have in the 1ar since the k would still link but my case turns wouldn’t
10. absent condo we either have to concede their epistemology or the link a- might force debaters to concede violent arguments which means it’s an internal link to inclusion b- means I can’t test the affirmative fully which skews me on fairness cuz they can always test the 1nc

A2 strat skew

1. Your strat had to answer everything so it’s inevitable
2. Your weighing should come over case and the offs otherwise it’s bad weighing

A2 education

1. If I can’t go for advocacies then people won’t answer them

A2 clash

1. I still fill a 2nr with clash so it’s nonunique- I can’t say more than 6 minutes of neg stuff

A2 dispo solves

It’s net worse

1. The neg can just specify ridiculous conditions where they wouldn’t kick- makes it like condo but even less predictable
2. Strat skew-when they read a dispo CP it advocates the aff not reading any defense like perms, it makes the CP impossible for the aff to put any good arguments on without the neg kicking it.
3. Time skew-the aff as to spend alot of time on the CP and the neg can just kick it when ever they want to, and we have wasted all of the time

A2 no RVIs

I get RVIS- this debate is between two competing models so if I win mine’s better I should win the debate since they’ve done an action- reading theory- that uniquely encourages their model- dropping them is key to rectifying