# Palm R3

## NC

### T – BODY POLITICS

#### Interpretation – 1AC must use personal knowledge, organic intellectuals, and academic intellectuals, to garner offense.

Reid-Brinkley, Shanara (2008),” The Harsh Realities Of “Acting Black”: How African-American Policy Debaters Negotiate Representation Through Racial Performance and Style” Retrieved from <https://getd.libs.uga.edu/pdfs/reid-brinkley_shanara_r_200805_phd.pdf> Taja1h

The process of signifyin’ engaged in by the Louisville debaters is not simply designed to critique the use of traditional evidence. As Green argues, their goal is to “challenge the relationship between social power and knowledge.”57 In other words, those with social power within the debate community are able to produce and determine “legitimate” knowledge. These legitimating practices usually function to maintain the dominance of normative knowledgemaking practices, while crowding out or directly excluding alternative knowledge-making practices. The Louisville “framework looks to the people who are oppressed by current constructions of power.”58 Jones and Green offer an alternative framework for drawing claims in debate speeches, they refer to it as a three-tier process: A way in which you can validate our claims, is through the three-tier process. And we talk about personal experience, organic intellectuals, and academic intellectuals. Let me give you an analogy. If you place an elephant in the room and send in three blind folded people into the room, and each of them are touching a different part of the elephant. And they come back outside and you ask each different person they gone have a different idea about what they was talking about. But, if you let those people converse and bring those three different people together then you can achieve a greater truth.59

#### Violation – [Extempt]

#### Prefer

#### 1] Pornotroping: The 1AC narrates forms of violence for ballots commodifying experience and degrading them to high school debate rounds and detaching ourselves from the violence. This turns the aff because none of your impacts are achieved only recreating cruel optimism.

#### 2] Embodiment – Without embodiment the aff does nothing. Their method illusory so voting aff doesn’t do the benefits it discusses. It only matters if you have a connection with the advocacy, means vote neg on presumption. Also turns their method since it filters out whiteness.

**Campbell 97** [Fiona, [members.tripod.com/FionaCampbell/speech\_acts\_on\_problematising\_empowerment.htm](http://members.tripod.com/FionaCampbell/speech_acts_on_problematising_empowerment.htm), 12-04-07] Brackets in original

So who am I to speak, to be listened to? And why is it important to identify my speaking position? The word‘ in spoken or written form (sometimes referred to as Discourse), is the site that both power and knowledge meet. Which is why speech acts can be inherently dangerous**. Furthermore a personin a Privileged speaking position, such as myself, has a political/ethical responsibility to interrogate his/her relationship” to subordinated and disadvantaged peoples** and declare their „interest‟. On this point, La Trobe University, Professor Margaret Thornton states ―assumed objectivity of **knowledge itself camouflage not only the fact that it always has a standpoint, but that it also serves an ideological purpose**‖ (Thornton 1989: 125**). Refusing to declare one‟s speaking position, I argue constitutes not only a flagrant denial of the privileging effect of speech, but must be considered as an act of complicity to systematically mislead**. I speak tonight from what I would term, a privileged speaking position. As someone who has been exposed to tertiary education, had an opportunity to read and reflect on many books and ideas, with a job and more particularly, as a teacher. Indeed, for some I act as a mentor - the one who ‗knows something about knowledge‘. On the other hand, I am deeply ambivalent about my ‗expertise‘ to engage in the act of public speech talk. For am from the margins, the client, patient, the ‗riff raff‘, flotsam and jetsam of society and might say - somewhat ‗deviant‘. It is important to come clean about my speaking position, my knowledge standpoint and declare my interests: I speak for myself as a woman who has experienced youth homelessness, childhood violence and later ‗disability‘. **Before I speak I am required to undertake a process of self-examination, to scrutinise my representational politics, to immerse myself in a self-reflexive interrogation and discern “what [my] representational politics authorises and who it erases** … ―(Howe 1994: 217). Do I speak for myself or others? Am I making gross generalisations about groups in the community? Does my speech contain unacknowledged assumptions and values? More specifically, within this process of reflection, **I am required to examine the context and location from which I speak, in order to ascertain whether it is ―allied with structures of oppression … [or] … allied with resistance to oppression.**

#### 3] Accessibility – models of debate that don’t meet the three tiered process are uniquely inaccessible for oppressed bodies because they’re forced to invest in a system that is terminally juxtaposed in opposition to their very identity.

#### Drop the debater – we indict their model of debate. Evaluate the T-shell through competing interpretations – you cannot be reasonably oppressive, and reasonability brightlines are arbitrary which requires judge intervention. No RVIs or impact turns – you should not win for proving you’re accessible, and their model deters debaters from indicting oppressive practices.

### NC – KANT

#### Ethics must begin a priori and the meta-ethic is reason.

#### 1] Bindingness – I can keep asking “why should I follow this” which results in skep since obligations are predicated on ignorantly accepting rules. Only reason solves since asking “why reason?” requires reason which is self-justified.

#### 2] Action theory – individual actions are infinitely divisible we don’t know at which point the step had the intent of going to X space which means individual actions are infinitely divisible and we can’t look at individual actions but instead intents of the overarching idea.

#### 3] Externalism fails – no reason why we ought to care about higher order which takes out consequences and Ks because we don’t care about them.

#### 4] There’s an act/omission distinction – otherwise we’d be held infinitely culpable for every omission which kills any conception of morality. Negate on presumption – even if they win the round your not obligated to vote for them.

#### 5] Consequences Fail – a] Every action has infinite stemming consequences b] Induction is circular because it relies on the assumption that nature will hold uniform and we could only reach that conclusion through inductive reasoning based on observation of past events. c] Aggregation fails – suffering is not additive can’t compare between one migraine and 10 head aches

#### 6] Theory – Frameworks are topicality interps of the word ought so they should be theoretically justified. Prefer on resource disparities—a focus on evidence and statistics privileges debaters with the most preround prep which excludes lone-wolfs who lack huge evidence files. A debate under my framework can easily be won without any prep since huge evidence files aren’t required.

#### That justifies universality – a] a priori principles like reason apply to everyone since they are independent of human experience and b] any non-universalizable norm justifies someone’s ability to impede on your ends i.e. if I want to eat ice cream, I must recognize that others may affect my pursuit of that end.

#### Thus, the standard is consistency with the categorical imperative – all other theories source obligations in extrinsically good objects, but that presupposes the goodness of the rational will.

#### Offense –

#### 1] If states can appropriate space then private companies should also be able to since they have to recognize agency

#### 2] A model of freedom mandates a market-oriented approach to space—that negates

Broker 20 [(Tyler, work has been published in the Gonzaga Law Review, the Albany Law Review and the University of Memphis Law Review.) “Space Law Can Only Be Libertarian Minded,” Above the Law, 1-14-20, <https://abovethelaw.com/2020/01/space-law-can-only-be-libertarian-minded/>] TDI

The impact on human daily life from a transition to the virtually unlimited resource reality of space cannot be overstated. However, when it comes to the law, a minimalist, dare I say libertarian, approach appears as the only applicable system. In the words of NASA, “2020 promises to be a big year for space exploration.” Yet, as Rand Simberg points out in Reason magazine, it is actually private American investment that is currently moving space exploration to “a pace unseen since the 1960s.” According to Simberg, due to this increase in private investment “We are now on the verge of getting affordable private access to orbit for large masses of payload and people.” The impact of that type of affordable travel into space might sound sensational to some, but in reality the benefits that space can offer are far greater than any benefit currently attributed to any major policy proposal being discussed at the national level. The sheer amount of resources available within our current reach/capabilities simply speaks for itself. However, although those new realities will, as Simberg says, “bring to the fore a lot of ideological issues that up to now were just theoretical,” I believe it will also eliminate many economic and legal distinctions we currently utilize today. For example, the sheer number of resources we can already obtain in space means that in the rapidly near future, the distinction between a nonpublic good or a public good will be rendered meaningless. In other words, because the resources available within our solar system exist in such quantities, all goods will become nonrivalrous in their consumption and nonexcludable in their distribution. This would mean government engagement in the public provision of a nonpublic good, even at the trivial level, or what Kevin Williamson defines as socialism, is rendered meaningless or impossible. In fact, in space, I fail to see how any government could even try to legally compel collectivism in the way Simberg fears. Similar to many economic distinctions, however, it appears that many laws, both the good and the bad, will also be rendered meaningless as soon as we begin to utilize the resources within our solar system. For example, if every human being is given access to the resources that allows them to replicate anything anyone else has, or replace anything “taken” from them instantly, what would be the point of theft laws? If you had virtually infinite space in which you can build what we would now call luxurious livable quarters, all without exploiting human labor or fragile Earth ecosystems when you do it, what sense would most property, employment, or commercial law make? Again, this is not a pipe dream, no matter how much our population grows for the next several millennia, the amount of resources within our solar system can sustain such an existence for every human being. Rather than panicking about the future, we should try embracing it, or at least meaningfully preparing for it. Currently, the Outer Space Treaty, or as some call it “the Magna Carta of Space,” is silent on the issue of whether private individuals or corporate entities can own territory in space. Regardless of whether governments allow it, however, private citizens are currently obtaining the ability to travel there, and if human history is any indicator, private homesteading will follow, flag or no flag. We Americans know this is how a Wild West starts, where most regulation becomes the impractical pipe dream. But again, this would be a Wild West where the exploitation of human labor and fragile Earth ecosystem makes no economic sense, where every single human can be granted access to resources that even the wealthiest among us now would envy, and where innovation and imagination become the only things we would recognize as currency. Only a libertarian-type system, that guarantees basic individual rights to life, liberty, and the pursuit of happiness could be valued and therefore human fidelity to a set of laws made possible, in such an existence.

### K – LEGAL OR

#### International Law is rooted in the expansion of orientalism – an international legal standard that stems from hegemonic European culture

Chimni 18 [B. S. Chimni\* Affiliation, 3-16-2018, "Customary International Law: A Third World Perspective," Cambridge Core, <https://www.cambridge.org/core/journals/american-journal-of-international-law/article/customary-international-law-a-third-world-perspective/DEDB6DB43A3B5A613B68FDBE56E20A20> [accessed 12-8-21] lydia

st, as Milos Vec points out, it is in the nineteenth century that the idea of European states forming a legal community was advanced: “Lawyers frequently mentioned the common history and Christian religion of the continent, the existing foundations of treaties and the shared idea of legal consciousness and mutual recognition as common basis of these countries to form ‘the international society.’”[Footnote 82](https://www.cambridge.org/core/journals/american-journal-of-international-law/article/customary-international-law-a-third-world-perspective/DEDB6DB43A3B5A613B68FDBE56E20A20#fn82) It is pertinent to recall here that the historical school of law, which influenced the development of the doctrine of CIL, had in the domestic context “rejected any idea that a standard of conduct could be imposed from without. It had to flow organically from within a national culture.”[Footnote 83](https://www.cambridge.org/core/journals/american-journal-of-international-law/article/customary-international-law-a-third-world-perspective/DEDB6DB43A3B5A613B68FDBE56E20A20#fn83) In the instance of international law, it meant that the standard of conduct which counted as practice had to spring from organic European culture. To be sure, there was and is no monolithic European “culture.” But one may legitimately speak of a hegemonic culture (in the past or the present) and “of legal categories and techniques as generative of certain kinds of social, political, and epistemological realities.”[Footnote 84](https://www.cambridge.org/core/journals/american-journal-of-international-law/article/customary-international-law-a-third-world-perspective/DEDB6DB43A3B5A613B68FDBE56E20A20#fn84) At the core of organic European culture in the colonial era was the belief in the civilizing mission. It involved the marriage of expanding capitalism with orientalism. To put it differently, imperialism entered a new phase in the nineteenth century that both strengthened European legal consciousness and spurred the development of CIL to facilitate “new” imperialism.[Footnote 85](https://www.cambridge.org/core/journals/american-journal-of-international-law/article/customary-international-law-a-third-world-perspective/DEDB6DB43A3B5A613B68FDBE56E20A20#fn85) Second, it was believed at this time that “Europe with its customs and political and cultural relations were at the theoretical centre of the emergence of international law.”[Footnote 86](https://www.cambridge.org/core/journals/american-journal-of-international-law/article/customary-international-law-a-third-world-perspective/DEDB6DB43A3B5A613B68FDBE56E20A20#fn86) A key question that came to be considered was which nations were to be counted as being part of this international legal community.[Footnote 87](https://www.cambridge.org/core/journals/american-journal-of-international-law/article/customary-international-law-a-third-world-perspective/DEDB6DB43A3B5A613B68FDBE56E20A20#fn87) The Treaty of Paris 1856 “shifted the criteria of inclusion from ‘European’ to ‘civilized,’”[Footnote 88](https://www.cambridge.org/core/journals/american-journal-of-international-law/article/customary-international-law-a-third-world-perspective/DEDB6DB43A3B5A613B68FDBE56E20A20#fn88) a distinction that also came to inform the doctrine of CIL.[Footnote 89](https://www.cambridge.org/core/journals/american-journal-of-international-law/article/customary-international-law-a-third-world-perspective/DEDB6DB43A3B5A613B68FDBE56E20A20#fn89) Thus, the positivist method, and a particular understanding of CIL, was given life in a particular cultural and political milieu that excluded reference to the practice of non-European states which were classified as “uncivilized.” To put it differently, the doctrine of CIL came to be embedded in a regional legal consciousness anchored in the distinction between civilized and uncivilized states. The argument that the “formal” and “material” sources of CIL cannot be separated can also be substantiated by reference to the intellectual resources that contributed to its conceptualization. The doctrine of CIL has its basis in Roman law and European legal philosophy, legal sociology, and legal psychology of the late nineteenth and early twentieth century.[Footnote 90](https://www.cambridge.org/core/journals/american-journal-of-international-law/article/customary-international-law-a-third-world-perspective/DEDB6DB43A3B5A613B68FDBE56E20A20#fn90) Despite their influence, these sources have not been seriously explored, forget any “serious attempt…to identify the ambiguities and contradictions in these theories.”[Footnote 91](https://www.cambridge.org/core/journals/american-journal-of-international-law/article/customary-international-law-a-third-world-perspective/DEDB6DB43A3B5A613B68FDBE56E20A20#fn91) When these do come to be referred, it is only “in support of the status quo.”[Footnote 92](https://www.cambridge.org/core/journals/american-journal-of-international-law/article/customary-international-law-a-third-world-perspective/DEDB6DB43A3B5A613B68FDBE56E20A20#fn92) Of particular significance in the conceptualization of the traditional doctrine of CIL was Francois Gény's work, which is said to have identified state practice and opinio juris as the constituent elements of a custom.[Footnote 93](https://www.cambridge.org/core/journals/american-journal-of-international-law/article/customary-international-law-a-third-world-perspective/DEDB6DB43A3B5A613B68FDBE56E20A20#fn93) His work was entrenched in natural law with positive law treated “as merely a body of rules adapted to the exigencies of time and place for the purpose of achieving in actual operation the balance of conflicting interests which is the essence of justice.”[Footnote 94](https://www.cambridge.org/core/journals/american-journal-of-international-law/article/customary-international-law-a-third-world-perspective/DEDB6DB43A3B5A613B68FDBE56E20A20#fn94) According to Gény, “[o]nly natural law … furnishes the indispensable basis for a truly scientific elaboration of positive law.”[Footnote 95](https://www.cambridge.org/core/journals/american-journal-of-international-law/article/customary-international-law-a-third-world-perspective/DEDB6DB43A3B5A613B68FDBE56E20A20#fn95) It was of course European culture that informed the meaning of natural law and was the backdrop in which CIL was approached.[Footnote 96](https://www.cambridge.org/core/journals/american-journal-of-international-law/article/customary-international-law-a-third-world-perspective/DEDB6DB43A3B5A613B68FDBE56E20A20#fn96) The French legal sociologist Leon Duguit reinforced this understanding as he derived the obligatory nature of international law “from an international legal consciousness that certain rules are indispensable for the continued existence of the international community.”[Footnote 97](https://www.cambridge.org/core/journals/american-journal-of-international-law/article/customary-international-law-a-third-world-perspective/DEDB6DB43A3B5A613B68FDBE56E20A20#fn97) It is true that whereas Duguit relied “on the fact of ‘social solidarity’ in order to build a system of natural law upon that single concept,” Gény vigorously asserted that “a single principle, general and abstract, cannot contain the rich variety of rules necessary adequately to direct social life …”[Footnote 98](https://www.cambridge.org/core/journals/american-journal-of-international-law/article/customary-international-law-a-third-world-perspective/DEDB6DB43A3B5A613B68FDBE56E20A20#fn98) But both invoked the importance of natural law that carried background assumptions that helped determine relevant state practice and opinio juris, or more specifically what is meant by state practice and opinio juris. These were assigned meaning in a Eurocentric world.

#### The 1AC notion that the absence of law is bad and the foreign countries need regulations of space is a site of legal orientalism that is fueled by Sinocentric ideology.

**Ruskola 1** Teemu Ruskola, *Legal Orientalism*, 101 Mich. L. Rev. 179 (2002).  
Available at: <https://repository.law.umich.edu/mlr/vol101/iss1/4> //Nato

Below, I analyze the processes by which claims of the putative absence of law in China have become part of the observers' cultural identity and, in tum, contribute to the contents of the observations themselves. In the final analysis, the object of my inquiry is certain Western representations of Chinese law and the notions of legality and legal subjectivity that they imply. The project is ultimately hermeneutical in Gadamer's sense: its goal is "not to develop a procedure" for understanding Chinese law "but to clarify the conditions in which [such] understanding takes place."28 Whether we like it or not, legal Orientalism is one condition of Western knowledge of Chinese law. However, while we in the West are perhaps bemused to learn of the traditional Sinocentric worldview - the Chinese word for "China" means "Middle Kingdom" - we nevertheless accept with utmost unselfconsciousness the notion that we are the First World, twiceremoved from the soi-disant Third World. To be sure, the distance is shrinking, as the Second World has essentially disappeared. Yet our occidental solipsism aside, cultures do not come labeled with ordinal numbers. Given the traditional Eurocentrism of legal scholarship,29 perhaps the category of "law" obscures more than it illuminates; might we not be better off with the study of, say, "comparative social control," rather than comparative law?30

#### We got lines –

“One final consideration increases the likelihood that the United States would in fact become a signatory to an amendment to the Outer Space Treaty. Such an amendment would likely have the support of businesses, environmental groups, and the military, an unlikely combination of key constituencies that would help push an amended treaty forward. Businesses would advocate for the change because it would provide a clearer mechanism for establishing property rights” – 1AC Solvency Advocate Pershing 19

“space leasing system should be run through the United Nations” – 1AC Solvency Advocate Pershing 19

**“**it is critical that it have jurisdiction over property rights in space beyond mining rights” – 1AC Solvency Advocate Pershing 19

#### The Impact is Oriental Despotism – Asian subjectivity becomes no longer individualized by concentrated by the state and becomes an anti-model through negative semantics. That leads to legal erasure and anti asian violence.

**Ruskola 2** Teemu Ruskola, Legal Orientalism, 101 Mich. L. Rev. 179 (2002).  
Available at: <https://repository.law.umich.edu/mlr/vol101/iss1/4> //Nato

I begin the account of Chinese legal subjectivity, or its absence, by outlining Hegel's vision of China in his Philosophy of History. I do so without any implication that Hegel "invented" Orientalism or is somehow singularly responsible for it. Uninterested in either accusing or excusing its author,139 I use the Philosophy of History simply as a textual case study, for it happens to provide a truly classic statement of many Orientalist ideas that continue to structure the perception of Chinese law even today. According to Hegel, "The history of the world travels from East to West, for Europe is absolutely the end of History, Asia the beginning."140 In Hegel's dual ontology, Oriental states "belong to mere space," or "un-Historical History," while the West exists in the "Form of time."141 According to Hegel, With the Empire of China History has to begin, for it is the oldest, as far as history gives us any information, and its principle has such substantiality, that for the empire in question it is at once the oldest and the newest. Early do we see China advancing to the condition in which it is found at this day, for as the contrast between objective existence and subjective freedom of movement within it, is still wanting, every change is excluded, and the fixedness of character which recurs perpetually takes the place of what we should call the truly historical.142 Hegel's statement of China's extraordinary stability is no doubt extreme, yet it has many historical variations.143 In Marx's scathing metaphor, China "vegetates in the teeth of time,"144 while Weber saw in Confucianism a religion that worshipped the status quo and thus radically impeded China's passage into modernity.145 In Hegel's particular teleological view, History's end goal is the accomplishment of freedom, which coincidentally culminates in the political system of Prussia. In contrast, China, standing at the threshold of History, is the paradigmatic example of "Oriental Despotism." Despotism is in fact the natural form of government for the Chinese, for the simple reason that they do not exist as individual subjects. In Hegel's words, in China "all that we call subjectivity is concentrated in the supreme Head of the State,"146 while "individuals remain mere accidents."147 This despotism results in part from a confusion between family and state: "The Chinese regard themselves as belonging to the family, and at the same as children of the state."148 By implication, the Chinese also lack a proper distinction between law and morality: moral dicta are expressed in the form of laws, but lacking subjectivity, the Chinese obey these laws merely as external forces, like children who fear parental punishment.149 Analyzed as an Orientalist discourse, Hegel's account accomplishes several things. First, the purported fact that China is timeless and static implies that the West is not.150 Second, imputing to the Chinese a lack of subjectivity and moral character suggests that Westerners do not lack those progressive qualities. Third, observing that the Chinese are confused about the real nature of "law" establishes the European legal ordering as proper. The Orientalist implications are not difficult to grasp: China is an anti-model and stands for everything that we would not wish to be - or admit to being. This is an entirely negative definition: China is basically just a "glimpse of what it itself is not," viz., we, the Occident.151 Hegel, Marx, and Weber are classical European Orientalists whose work ultimately affirms the superiority of Western civilization and law.152 However, they do not exhaust the universe of legal Orientalisms, which vary by historical and cultural context. The anti immigrant Orientalism of nineteenth-century United States provides an example of a peculiarly American form of Orientalism.153 As one historian of Chinese immigration observes, nineteenth-century Americans viewed almost every aspect of Chinese life as an illustration of their backwardness: "wearing white for mourning, purchasing a coffin while still alive, dressing women in pants and men in skirts, shaking hands with oneself in greeting a friend, writing up and down the page, eating sweets first and soup last, etc."154 The usefulness of this particular Orientalist discourse lay in its role in justifying the legal exclusion of Chinese immigrants at that historical moment. Indeed, the text of a 1878 report by the California State Senate Committee on Chinese Immigration sounds as though it had been excerpted directly from Hegel's Philosophy of History: The Chinese are ... able to underbid the whites in every kind of labor. They can be hired in masses; they can be managed and controlled like unthinking slaves. But our laborer has an individual life, cannot be controlled as a slave by brutal masters, and this individuality has been required by the genius of our institutions, and upon these elements of character the State depends for defense and growth.155 Such sentiments may have very much a nineteenth-century flavor, but consider also the following analysis of the Chinese immigration exclusion, made by a federal judge in the 1920s: The yellow or brown racial color is the hall-mark of Oriental despotisms, or was at the time the original naturalization law was enacted. It was deemed that the subjects of these despotisms, with their fixed and ingrained pride in the type of their civilization, which works for its welfare by subordinating the individual to the personal authority of the sovereign, as the embodiment of the state, were not fitted and suited to make for the success of a republican form of Government. Hence they were denied citizenship.156 To the judge, it was thus self-evident that the Congress's exclusion of the Chinese from immigration was not based on "color" but cultural disqualification for citizenship.157 That is, the Chinese were so radically "un-legal" that they were simply not capable of the kind of selfgovernance that was required by America's "republican form of Government."