# 1AC- The Form of the Formless

#### Looking and yet not seeing it

#### We thus call it “elusive.”

#### Listening and yet not hearing it

#### We thus call it “inaudible.”

#### Groping and yet not getting it

#### We thus call it “intangible.”

#### Because in sight, sound, and touch it is beyond determination

#### We construe it as inseparably one.

#### As for this “one”—

#### Its surface is not dazzling

#### Nor is its underside dark.

#### Ever so tangled, it defies discrimination

#### And reverts again to indeterminacy. This is what is called the form of the formless And the image of indeterminacy. This is what is called the vague and the indefinite.

#### Following behind you will not see its rear; Encountering it you will not see its head.

#### Hold tightly onto way-making in the present To manage what is happening right now And to understand where it began in the distant past.

#### …

* Laozi, Roger Ames, and David Hall (Laozi was the first old master of Daoist philosophy, Ames is a Canadian philosopher at the University of Peking. Hall was a professor of philosophy at the University of Texas), 2010, “Daodejing: Making this Life Significant,” Ballantine Books, I have a pdf, r0w@n

#### Space is just another victim of temporal staticizing reification-–outdated desire structures get replaced and the world keeps moving on– gotta change your argument or you’ll lose the uniqueness debate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

#### Thus the role of the ballot is to vote for the team that has the best relationality to deferential politics, where we can live within productive desires and within the flow of the universe

#### That means it’s wu-wei time

Ames and Hall 10. Roger Ames and David Hall (Ames is a Canadian philosopher at the University of Peking. Hall was a professor of philosophy at the University of Texas), 2010, “Daodejing: Making this Life Significant,” Ballantine Books, I have a pdf, r0w@n

The compilers of the Daodejing seek rather explicitly to develop a contrast between the glimpses of insight this text strives to impart, and the substance of other philosophical doctrines. Many if not most doctrines evolve with their antecedents in an elaborate genealogy of values and ideas. These philosophical doctrines are often hierarchically structured by precepts and governing principles, and they may well require an extended course of study for their mastery and transmission. The precepts that inform these “doctrines” are professionalized by their learned “doctors,” and within their marble academies these erudites—for appropriate status and recompense— are only too glad to amaze the hoi poloi with the ashing dexterity of their philosophic thrusts and parries. What the Daodejing has to offer, on the other hand, is much simpler. It encourages the cultivation of a disposition that is captured in what we have chosen to call its wu-forms. The wu-forms free up the energy required to sustain the abstract cognitive and moral sensibilities of technical philosophy, allowing this energy, now unmediated by concepts, theories, and contrived moral precepts, to be expressed as those concrete feelings that inspire the ordinary business of the day. It is through these concrete feelings that one is able to know the world and to optimize the human experience. The abstraction of the concrete ethical dimension of such felt knowing into a formal moralist vocabulary is rehearsed in chapter 38 of the Daodejing: Thus, only when we have lost sight of way-making is there excellence, Only when we have lost sight of excellence is there authoritative conduct, Only when we have lost sight of authoritative conduct is there appropriateness, And only when we have lost sight of appropriateness is there ritual propriety. As for ritual propriety, it is the thinnest veneer of doing one’s best and making good on one’s word, And it is the first sign of trouble. “Foreknowledge” is tinsel decorating the way, And is the first sign of ignorance. It is for this reason that persons of consequence: Set store by the substance rather than the veneer And by the fruit rather than the flower. Hence, eschewing one they take the other. The moral precepts described in the first two stanzas emerge as objects of reverence, but as hallowed as they might become, they are anemic when compared to the love and life of concrete, spontaneous feelings. It is the “substance” and the “fruit”—the passionate experience of life itself—rather than a catechism of bloodless ethical principles, that is the real site of knowing. Such felt knowing is an ongoing process of focal and field awareness—of way-making—that can only be sustained with indefatigable resolution. Indeed, it is not an easy business to stay focused. Even though the Daodejing’s teachings on how to cultivate the most effective disposition for making one’s way in the world could not be put in more straightforward terms, still “when the very best scholars learn of way-making they are just barely able to keep to its center” (chapter 41). Were we to search for something like a central insight that defines the Daoist sensibility, we might discover that a “single thread” pervades the text. The central focus of the Daoist way of thinking is the decisive role of deference in the establishment and preservation of relationships. As we have said above, integrity in a processual worldview is not being one, but becoming one in the consummatory relationships that one is able to achieve within a context of environing particulars. Deference involves a yielding (and being yielded to) grounded in an acknowledgment of the shared excellence of particular foci (de) in the process of one’s own self- cultivation. Deferential acts require that one put oneself literally in the place of the other, and in so doing, incorporate what was the object of deference into what is one’s own developing disposition. And one’s own disposition thus fortified becomes available as a locus of deference for others. In Confucianism, self is determined by sustained effort (zbong page50image65796320) in deferential transactions (shu page50image65788832) guided by ritually structured roles and relations (li page50image65786128) that project one’s person outward into society and into culture. Such a person becomes a focus of the community’s deference (junzi page50image65783840) and a source of its spirituality (shen ). Daoism, on the other hand, expresses its deferential activity through what we are calling the wu-forms. The three most familiar articulations of this pervasive sensibility are: wuwei page50image65857072, wuzhi page50image65845888, and wuyu page50image65634304. These are, respectively, noncoercive actions in accordance with the de (“particular focus”) of things; a sort of knowing without resort to rules or principles; and desiring which does not seek to possess or control its “object.” In each of these instances, as in the case of Confucian shu, it is necessary to put oneself in the place of what is to be acted in accordance with, what is to be known, or what is to be desired, and thus incorporate this perspective into one’s own disposition. Our chief aim here is to demonstrate how this explicitly Daoist understanding of deferential activity presupposes a focus-field model of self. Given our discussion of the inseparability of feeling and thinking —the affective and the cognitive—in the Daoist heart-and-mind (xin), the conflict associated with the self that the Daoist sage must overcome cannot be a struggle among some compartmentalized rational, appetitive, and emotional faculties. Indeed, given the relational and unpartitioned model of the self characterized by xin, it is dicult to imagine how there could be anything like an internal dynamics that would be a source of agitation. It is unlikely that we would nd Hamlets or St. Pauls prominent among the Daoists. If the problematic of unrealized selfhood does not entail a self divided against itself, what is the source and the nature of the disturbance that the cultivation of the Daoist disposition is meant to overcome? If it is not referenced primarily within an individuating soul, it can only be a disturbance in the relationships that constitute the context of self-consummation. Said another way, if a person is page50image65634512 not in fact constituted by some essential, partitioned “soul,” but is rather seen as dynamic pattern of personal, social, and natural relationships, agitation must arise as a consequence of poor management of these constitutive roles and relationships. Hence, agitation in the heart-and-mind is not narrowly “psychological,” but is more accurately conceived of as of broad ethical concern: How should we act and what should we do? To summarize the three most prominent examples of the wu-forms that we have discussed in more detail elsewhere,20 wuwei page51image65652976, often translated (unfortunately) as “no action” or “non-action,” really involves the absence of any course of action that interferes with the particular focus (de page51image65653184) of those things contained within one’s field of influence. Actions uncompromised by stored knowledge or ingrained habits are relatively unmediated: they are accommodating and spontaneous. As such, these actions are the result of deferential responses to the item or the event in accordance with which, or in relation to which, one is acting. These actions are ziran page51image65653392, “spontaneous” and “self-so-ing,” and as such, are nonassertive actions. It is not through an internal struggle of reason against the passions but through “acuity (ming page51image65653600)”—a mirroring of the things of the world as they are in their interdependent relations with us—that we reach a state in which nothing among all of the myriad of “the goings on” in the world will be able to agitate our hearts-and-minds, and we are able to promote the flourishing of our world. In other words, we defer in attaining integrity with those things that contextualize us, establishing a frictionless equilibrium with them. And it is this state of achieved equilibrium that is precisely the relationship most conducive to symbiotic growth and productivity. The Daoist sages in Zhuangzi are described in such terms: The stillness of the sages is not simply a matter of their saying: “Stillness is good!” and hence they are still. Rather, they are still because none of the myriad things are able to agitate their hearts-and-mind. When water is still, it illuminates one’s whiskers and eyebrows, and in its placidity, it provides a standard so that skilled artisans can take their measure from it. If the stillness of water provides illumination, how much more so one’s spirit. The stillness of the heart-and-mind of the sage makes it mirror to the whole world and the looking glass for all of the myriad things.21 The notion of jing page52image65681008—stillness, tranquillity—that is often used to characterize this posture, far from being simple passivity, is an ongoing, dynamic achievement of equilibrium that requires constant monitoring and adjustment. It is important to remember that all correlative pairs entail their opposites in the sense that jing is “tranquillity-becoming-agitated.” Thus, tranquillity (jing) stands in a dominant relationship in its partnership with agitation (dong page52image65681216); it does not negate or exclude its opposite. The same qualification has to be brought to bear on other familiar pairs that might otherwise mislead us: for example, emptiness (xu page52image65681424) and fullness (shi page52image65681632), and clarity (qing ) and turbidity (zhuo page52image65681840). Wuzhi , often translated as “no-knowledge,” actually means the absence of a certain kind of knowledge—the kind of knowledge that is dependent upon ontological presence: that is, the assumption that there is some unchanging reality behind appearance. Knowledge grounded in a denial of ontological presence involves “acosmotic” thinking: the type of thinking that does not presuppose a single-ordered (“One behind the many”) world, and its intellectual accoutrements. It is, therefore, unprincipled knowing. Such knowing does not appeal to rules or principles determining the existence, the meaning, or the activity of a phenomenon. Wuzhi provides one with a sense of the de of a thing— its particular uniqueness and focus— rather than yielding an understanding of that thing in relation to some concept or natural kind or universal. Ultimately, wuzhi is a grasp of the daode page52image65682048relationship of each encountered item that permits an understanding of this particular focus (de) and the eld that it construes. Knowledge, as unprincipled knowing, is the acceptance of the world on its own terms without recourse to rules of discrimination that separate one sort of thing from another. Rules of thumb, habits of mind and action, established customs, fixed standards, received

#### Thus I endorse the resolution, Resolved: Appropriation of outer space by private entities is unjust by affirming that private entities should declare their appropriation of outer space unjust by adopting a deterritorialized form of possession and a nomadic property model in outer space to create a space commons, where Daoist models of creativity and ownership can thrive.

Bruncevic 15, Merima Bruncevic, We Need to Talk About the Cultural Commons: Some

Musings on Rhizomatic Jurisprudence and Access to Art, DOA: 10/5/21, xx/xx/15, (Merima Bruncevic, LLD is a writer, researcher and senior Lecturer in Legal Philosophy and Intellectual Property Law at the Department of Law, School of Business, Economics and Law, University of Gothenburg. She earned an LLD in Jurisprudence from the University of Gothenburg in June 2014 and an LLM in Entertainment Law from University of Westminster, London in 2005. She is based in Gothenburg, Sweden, but has previously studied, lived and worked in London, UK for over six years. She has also worked as a researcher at Universita Degli Studi Roma Tre in Rome, Italy.), I have a pdf, r0w@n

The core idea of the rhizome theory in law may be that it appears to be able to transcend these, admittedly false, dichotomies between e.g. public and private, open and closed, as it is stressing not the hostile opposites, but rather interlinkage, the and... and... and... (Deleuze&Guattari 2011: 27) and the potential of constructing legal concepts based on alliances rather than oppositions. Which means that a cultural commons as a concept can be formulated legally, with e.g. some inspiration from the Scandinavian allemansrätten. In this manner, as we shall see shortly, the principles of the rhizome do not dissolve but rather resolve the dichotomies so that a constellation based concept can be formulated legally, one that can tend to several different interests at the same time. Therefore, jurisprudence may have rhizomatic qualities. The concept of allemansrätten is a prefect example of the rhizomatics of law, where the idea of the public and the private can co-exist and not necessarily form a hostile opposite. The concept of the cultural commons can thus be moved away from the prisoner’s dilemma setting, from the tragedy of the commons, from being understood as paradoxical in terms of the private and public, or as only belonging to the extra-legal, political, sociological, or economical realms. The rhizome theory attracts legal attention as it disrupts the need for a distinction between Merima Bruncevic 123 an inside and an outside of law, of describing public and private as each other’s opposites, and it provides a legal alternative beyond the notion of ownership and access as each other’s antitheses. The cultural commons and the Deleuzeoguattarian forms of possession The models of possession developed by Deleuze and Guattari, within the setting of the rhizomatic theory, can potentially handle a concept that is a constellation of private and public. These two models of possession are the sedentary model and the nomadic model respectively. Deleuze and Guattari distinguish the two forms of possession by claiming that the first is territorialised (i.e. within a known economical form of production and within a territorially defined legal order) and that the second is deterritorialised (i.e. the one that emerges from new modes of production, with e.g. new technology, new laws, new forms of management, the one that cannot instantly be recognised by any one readymade economical or legal principle only). The sedentary model is for instance dependent of stable forms of regulation, of defined territories and jurisdictions. This sedentary model presupposes enclosure or exclusivity; in order to possess material property the object has to be enclosed and governed by individual property rights. If the object of possession is immaterial it has to be enclosed conceptually by e.g. individual rights and exclusivity principles, for instance intellectual property law. Contrary to the focus on enclosure and exclusivity that are both tightly connected to the sedentary model, the nomadic model does not imply any such exclusion or stable territory-based possession (Mussawir 2011:107). Under the nomadic model, Mussawir writes, “possession implies a different kind of relation that cannot sustain any of these elements of establishment, exclusion and lack. Since possession does not imply division, exclusions or stable territory, [it] requires other factors altogether” (Mussawir 2011:107). The sedentary form of possession is dependent on the possibility to divide and exclude – it requires a striated space, a territorialised legal order. The nomadic form of possession challenges the notions of division, exclusivity, territoriality and enclosure, it is a smooth space, not (yet) territorialised by the legal order. However, when Deleuze and Guattari discuss the nomadic forms of possession they do not present it as the opposite of the sedentary form. They write: “[W]e must remind ourselves that the two spaces in fact exist only in mixture: smooth space is constantly being translated, transversed into striated space; striated space is constantly being reversed, returned to 124 Naveiñ Reet: Nordic Journal of Law and Social Research (NNJLSR) No.6 2015 smooth space [….] and the two can happen simultaneously.” (Deleuze & Guattari 2011: 524) It is this very continuity, the constant movement from one form to another, the unfinished transitions from the one form to the other, that must be understood and it is imperative that it be kept in mind when discussing the concept of the commons (natural as well as cultural). The concept of the (again, natural as well as cultural) commons can never be approached as a static, or striated, legal concept or form of possession. The concept of the commons must be understood as a deterritorialising, nomadic legal form of possession. However hard we might try, it is still for instance very difficult to territorially govern or enclose digital and dematerialised, cultural forms of expressions. Within the Deleuzeoguattarian theory, possession cannot be equated to ‘ownership’ either, at least not ‘ownership’ as we have come to know it. Rather, the modes of possession indicate that to possess does not necessarily equate ‘to own’. As Leif Dahlberg argues with reference to digital media content and Roman Law: “[T]he concept of property is complex, and possession (possessio, occupatio, usucapio, or detentio), for example, does not automatically or necessarily lead to an exclusive and absolute ownership (dominium). Whereas in ancient Rome this distinction between possession and ownership generally applied to property in land, today it also bears on the ways in which media users may use the digital media content they have acquired or purchased.” (Dahlberg 2011:264) The concept of the cultural commons may appear to be as a ‘the opposite of private’ or as an equal to ‘public’ form of possession. But it is not. It is a moving, iterant nomadic form of possession. When Lawrence Lessig for instance comments on the cultural commons he claims the key issue is that commons are producing something of value. This value can be a resource e.g. in terms of decentralised or open innovation (Lessig 2001: 85). He argues further: “[Commons] create the opportunity for individuals to draw upon resources without connections, permission, or access granted by others. They are environments that commit themselves to being open. Individuals and corporations draw upon the value created by this openness. They transform that value into other value, which they then consume privately.” (Lessig 2011:85) Merima Bruncevic 125 An environment in which the open access and the private exploitation and consumption do not cancel each other out is precisely the rhizomatic quality of the Deleuzeoguattarian forms of possession that we need, one that opens the theoretical possibility of envisioning and formulating a legal concept where the two can be connected instead of presented as a false dichotomy. As such, it does not dissolve the dichotomies such as private and public, they remain separate. However, it resolves them, from being antagonistic opposite-based pairings, instead becoming an alliance in a rhizomatic concept within the nomadic form of possession. A legal concept of the cultural commons as a “cultural allemansrätt” – a possibility As we saw above, allemansrätten in nature comes with responsibilities in terms of the privacy and ownership; and the person who is given the right to access nature is also simultaneously given an obligation not to harm, disturb, litter, nor to damage the land, its resources, biospheres, the animals or the crops. When we finally arrive at allemansrätten in culture, it too must come with similar set of limitations, obligations and responsibilities, i.e. to not harm the underlying individual ownership right and the resources connected to it. A right that allows the public to, during a short term and under certain conditions, legally access the cultural landscapes and, current and future as well as older or even ancient, cultural heritage. This can be done through a legal constellation that focuses on sustainability of cultural heritage, both the heritage that has existed for centuries as well as the one that is coming into existence now and that is constantly being produced. The rhizomatic approach to legal reasoning opens up the possibility to conceive of such concepts that can handle the public and the private together as an alliance in law. The sedentary and nomadic forms of possession indicate that there is a sliding scale between ownership, possession and access, and this can be upheld and recognised legally in a concept of cultural commons. Enabling access to artworks through a legal concept of the cultural commons works thus in conjunction with current intellectual property and other private ownership laws. A lot of inspiration can be drawn from the institutions that are already somehow managed and governed as cultural commons such as our museums, libraries, archives, open access platforms, commons initiatives... They also show us that principles of free public access do not necessarily preclude profit. 126 Naveiñ Reet: Nordic Journal of Law and Social Research (NNJLSR) No.6 2015 Access to art through a cultural commons is the equivalent of the hiking, camping and the picking of berries in the cultural environment. The notion of “environment” is also what further enables the connection with the natural commons and allemansrätten to be made even more comfortably. It has to do with the public’s cultural health and wellbeing. It certainly has to do with democracy. This approach is both an economically and democratically sustainable management of our common cultural resources. The rationale of this article has been this, to present some musings on the possibilities in terms of rights to access that can be inscribed in law through a legal concept of the cultural commons. This potential is already there in many of our legal orders. I have presented allemansrätten as one such example. UNESCOs regulation of world heritage may be another. A commons-based access, as has been argued here, is capable of handling the private and the public simultaneously. In critical legal studies the constructivist approaches to legal concepts are sometimes frowned upon, the critical is often favoured over the clinical. The Deleuzeoguattarian approach to legal philosophy allows for an alliance between the critical and the clinical. This is one among many connections that is enabled by the rhizomatic approach. This is rhizomatic jurisprudence. But the clinical presented here is only the beginning of this ongoing approach. The next step is to go ahead and construct the legal concept of the cultural commons, one that can handle access to current as well as to ancient cultural heritage. It could maybe be formulated as the “cultural allemansrätten”, or as a principle that is inscribed in the national laws of Europe? Or maybe as an EU directive? Or maybe… To achieve that, we have to acknowledge the possibilities of law and we now not only need to, we have to, talk about the legal concept of the cultural commons.

#### The space commons fosters a sense of wuyu- reforming processes of ‘owning’ and ‘creating’- these things shouldn’t be motivated by temporal desires but rather by intrinsic ones– only these can overwhelm temporary desire and inevitable change

Ames and Hall 10. Roger Ames and David Hall (Ames is a Canadian philosopher at the University of Peking. Hall was a professor of philosophy at the University of Texas), 2010, “Daodejing: Making this Life Significant,” Ballantine Books, I have a pdf, r0w@n

“Foreknowledge” is tinsel decorating the way, And is the first sign of ignorance. It is for this reason that persons of consequence: Set store by the substance rather than the veneer And by the fruit rather than the flower. Hence, eschewing one they take the other. The moral precepts described in the first two stanzas emerge as objects of reverence, but as hallowed as they might become, they are anemic when compared to the love and life of concrete, spontaneous feelings. It is the “substance” and the “fruit”—the passionate experience of life itself—rather than a catechism of bloodless ethical principles, that is the real site of knowing. Such felt knowing is an ongoing process of focal and field awareness—of way-making—that can only be sustained with indefatigable resolution. Indeed, it is not an easy business to stay focused. Even though the Daodejing’s teachings on how to cultivate the most effective disposition for making one’s way in the world could not be put in more straightforward terms, still “when the very best scholars learn of way-making they are just barely able to keep to its center” (chapter 41). Were we to search for something like a central insight that defines the Daoist sensibility, we might discover that a “single thread” pervades the text. The central focus of the Daoist way of thinking is the decisive role of deference in the establishment and preservation of relationships. As we have said above, integrity in a processual worldview is not being one, but becoming one in the consummatory relationships that one is able to achieve within a context of environing particulars. Deference involves a yielding (and being yielded to) grounded in an acknowledgment of the shared excellence of particular foci (de) in the process of one’s own self- cultivation. Deferential acts require that one put oneself literally in the place of the other, and in so doing, incorporate what was the object of deference into what is one’s own developing disposition. And one’s own disposition thus fortified becomes available as a locus of deference for others. In Confucianism, self is determined by sustained effort (zbong page50image65796320) in deferential transactions (shu page50image65788832) guided by ritually structured roles and relations (li page50image65786128) that project one’s person outward into society and into culture. Such a person becomes a focus of the community’s deference (junzi page50image65783840) and a source of its spirituality (shen ). Daoism, on the other hand, expresses its deferential activity through what we are calling the wu-forms. The three most familiar articulations of this pervasive sensibility are: wuwei page50image65857072, wuzhi page50image65845888, and wuyu page50image65634304. These are, respectively, noncoercive actions in accordance with the de (“particular focus”) of things; a sort of knowing without resort to rules or principles; and desiring which does not seek to possess or control its “object.” In each of these instances, as in the case of Confucian shu, it is necessary to put oneself in the place of what is to be acted in accordance with, what is to be known, or what is to be desired, and thus incorporate this perspective into one’s own disposition. Our chief aim here is to demonstrate how this explicitly Daoist understanding of deferential activity presupposes a focus-field model of self. Given our discussion of the inseparability of feeling and thinking —the affective and the cognitive—in the Daoist heart-and-mind (xin), the conflict associated with the self that the Daoist sage must overcome cannot be a struggle among some compartmentalized rational, appetitive, and emotional faculties. Indeed, given the relational and unpartitioned model of the self characterized by xin, it is dicult to imagine how there could be anything like an internal dynamics that would be a source of agitation. It is unlikely that we would nd Hamlets or St. Pauls prominent among the Daoists. If the problematic of unrealized selfhood does not entail a self divided against itself, what is the source and the nature of the disturbance that the cultivation of the Daoist disposition is meant to overcome? If it is not referenced primarily within an individuating soul, it can only be a disturbance in the relationships that constitute the context of self-consummation. Said another way, if a person is page50image65634512 not in fact constituted by some essential, partitioned “soul,” but is rather seen as dynamic pattern of personal, social, and natural relationships, agitation must arise as a consequence of poor management of these constitutive roles and relationships. Hence, agitation in the heart-and-mind is not narrowly “psychological,” but is more accurately conceived of as of broad ethical concern: How should we act and what should we do? To summarize the three most prominent examples of the wu-forms that we have discussed in more detail elsewhere,20 wuwei page51image65652976, often translated (unfortunately) as “no action” or “non-action,” really involves the absence of any course of action that interferes with the particular focus (de page51image65653184) of those things contained within one’s field of influence. Actions uncompromised by stored knowledge or ingrained habits are relatively unmediated: they are accommodating and spontaneous. As such, these actions are the result of deferential responses to the item or the event in accordance with which, or in relation to which, one is acting. These actions are ziran page51image65653392, “spontaneous” and “self-so-ing,” and as such, are nonassertive actions. It is not through an internal struggle of reason against the passions but through “acuity (ming page51image65653600)”—a mirroring of the things of the world as they are in their interdependent relations with us—that we reach a state in which nothing among all of the myriad of “the goings on” in the world will be able to agitate our hearts-and-minds, and we are able to promote the flourishing of our world. In other words, we defer in attaining integrity with those things that contextualize us, establishing a frictionless equilibrium with them. And it is this state of achieved equilibrium that is precisely the relationship most conducive to symbiotic growth and productivity. The Daoist sages in Zhuangzi are described in such terms: The stillness of the sages is not simply a matter of their saying: “Stillness is good!” and hence they are still. Rather, they are still because none of the myriad things are able to agitate their hearts-and-mind. When water is still, it illuminates one’s whiskers and eyebrows, and in its placidity, it provides a standard so that skilled artisans can take their measure from it. If the stillness of water provides illumination, how much more so one’s spirit. The stillness of the heart-and-mind of the sage makes it mirror to the whole world and the looking glass for all of the myriad things.21 The notion of jing page52image65681008—stillness, tranquillity—that is often used to characterize this posture, far from being simple passivity, is an ongoing, dynamic achievement of equilibrium that requires constant monitoring and adjustment. It is important to remember that all correlative pairs entail their opposites in the sense that jing is “tranquillity-becoming-agitated.” Thus, tranquillity (jing) stands in a dominant relationship in its partnership with agitation (dong page52image65681216); it does not negate or exclude its opposite. The same qualification has to be brought to bear on other familiar pairs that might otherwise mislead us: for example, emptiness (xu page52image65681424) and fullness (shi page52image65681632), and clarity (qing ) and turbidity (zhuo page52image65681840). Wuzhi , often translated as “no-knowledge,” actually means the absence of a certain kind of knowledge—the kind of knowledge that is dependent upon ontological presence: that is, the assumption that there is some unchanging reality behind appearance. Knowledge grounded in a denial of ontological presence involves “acosmotic” thinking: the type of thinking that does not presuppose a single-ordered (“One behind the many”) world, and its intellectual accoutrements. It is, therefore, unprincipled knowing. Such knowing does not appeal to rules or principles determining the existence, the meaning, or the activity of a phenomenon. Wuzhi provides one with a sense of the de of a thing— its particular uniqueness and focus— rather than yielding an understanding of that thing in relation to some concept or natural kind or universal. Ultimately, wuzhi is a grasp of the daode page52image65682048relationship of each encountered item that permits an understanding of this particular focus (de) and the eld that it construes. Knowledge, as unprincipled knowing, is the acceptance of the world on its own terms without recourse to rules of discrimination that separate one sort of thing from another. Rules of thumb, habits of mind and action, established customs, fixed standards, received page52image65682256page52image65682464 methods, stipulated concepts and categories, commandments, principles, laws of nature, conventions—all of these prejudices require us to intervene and “welcome things as they come and escort them as they go,” resulting in what Steve Goldberg has described as “a hardening of the categories.” Having stored past experience and organized it in terms of fixed standards or principles, we then recall, anticipate, and participate in a world patterned by these discriminations. Sages, however, mirror the world, and “neither see things off nor go out to meet them.” As such, they “respond to everything without storing anything up.” They mirror the world at each moment in a way that is undetermined by the shape of a world that has passed away, or by anticipations of a world yet to come. As the Daodejing asks in chapter 10: In scrubbing and cleansing your profound mirror Are you able to rid it of all imperfections? In loving the common people and breathing life into the state, Are you able to do it without recourse to wisdom? With nature’s gates swinging open and closed Are you able to remain the female? With your insight penetrating the four quarters Are you able to do it without recourse to wisdom? The Daoist project is neither passive nor quietistic. Water is the source of nourishment; the mirror is a source of light; the heart-and- mind is a source of transformative energy. To “know” as the mirror “knows” is not reduplicative, but is to cast the world in a certain light. Such performative “knowing” is for one to actively interpret and realize a world with healthy, productive effect. These metaphors for xin entail a presentation rather than a representation, a coordination rather than a correspondence. “Mirroring” then is best seen as synergistic and responsive, where all of the elements are in the stream and constitute a fluid interdependent continuity. Perhaps the best rendering of the term wuyu page53image65601536is “objectless desire.” Since neither noncoercive action nor unprincipled knowing can in the strict sense objectify a world or any element in it—that is, make discrete and independent objects out of one’s environing experience—the desiring associated with the Daoist sensibility is in the strictest sense “objectless.” The “enjoyments” associated with wuyu are possible without the need to dene, possess, or control the occasion of one’s enjoyment. Thus, wuyu, rather than involving the cessation and absence of desire, represents the achievement of deferential desire. Desire, based upon a noncoercive relationship (wuwei) with the world and a “mirroring” understanding (wuzhi) of it, is shaped not by the desire to own, to control, or to consume, but by the desire simply to celebrate and to enjoy. It is deference. Desire is directed at those things desirable because they stand to be desired. But those things which stand to be desired must themselves be deferential, which means that they cannot demand to be desired. For to demand to be desired is to exercise a kind of mesmerizing control over the desirer. In a world of events and processes in which discriminations are recognized as conventional and transient, desire is predicated upon one’s ability at any given moment to “let go.” It is in this sense that wuyu is a nonconstruing, objectless, desire. The Daoist problem with desire does not concern what is desired, but rather the manner of the desiring. Enjoyment for the Daoist is realized not in spite of the fact that one might lose what is desired, but because of this fact. The world is a complex set of transformative processes, never at rest. Wuhua page54image65654016, the metamorphosis of things (and not to be confused with the wu- forms), means that we can never pretend that what we seek to hold on to has any permanent status. In Daoism, transient desire is the only desire that lets things be, that does not construe the world in a certain manner, that does not seek to apply the brakes on a world of changing things. The key to an understanding of wuyu—indeed of all these wu- forms that comprise the Daoist disposition—lies in the contrast between “objects” and “objectivity.” Using Western epistemological terms, the thoughts about the world expressed in both the Zhuangzi and the Daodejing represent what we might call a realist perspective.22 Beyond the mediating confusions introduced by language, and by layers of our own distorted perceptions and tendentious categorizations, there is nevertheless, with properly Daoist qualifications, an “objectively” real world. Our task is to experience that world as “objectively” as possible. From the Daoist perspective, the problem begins when we insist that the “objective world” is a world made up of objects—namely, concrete, unchangeable things that we encounter as over against and independent of us; things which announce themselves to us by asserting “I object!” For the Daoist, the objective world cannot be objective in this sense because it is a constantly transforming flow of events or processes that belie the sorts of discriminations that would permit a final inventory of the furniture of the world. Paradoxically, for the Daoist the objective world is objectless. Sages envision a world of changing events that they can, for whatever reason, choose to freeze momentarily into a distinct pattern of discrimination, but that they recognize, when they see clearly, as being beyond such distinctions. For the Daoist, the consequence of this transformed vision is that knowing, acting, and desiring in the world are no longer based upon construal. Feeling ourselves in tension with objectified others can lead us to act in an aggressive or defensive manner in order to effect our will. Principles and fixed standards can lead us to construe the object of our knowledge by recourse to such principles. In this way, an item becomes one of a kind (rather than one-of-a-kind) or an instrument for the achievement of an end (as opposed to an end in itself). Desire motivated by an object of desire leads us to seek possession of that which is desired, allowing it significance only insofar as it meets our needs. A self that is consumed by objects of desire narrows, truncates, and obfuscates the world as it is. On the other hand, noncoercive action, unprincipled knowing, and objectless desire have the following in common: To the extent that a disposition defined in these terms is eficacious, it enriches the world by allowing the process to unfold spontaneously on its own terms, while at the same time participating fully in it. We may say that the implementation of the wu-forms allows us to leave the world as it is. But we may make this claim only if we recognize that “world” in this context means a myriad of spontaneous transactions that are characterized by emerging patterns of deference to acknowledged excellences. In Daoism the self is forgotten to the extent that discriminated objects no longer constitute the environs of the self. These three wu-forms—wuwei, wuzhi, wuyu—all provide a way of entertaining, of deferring to, and of investing oneself in an objectless world. Thus, in their governing of the people the sages are concerned with embodying and promoting the sort of acting, knowing, and desiring that does not depend upon objects. In fact, when these wu-forms are understood as the optimum dispositions of the Daoist self, whether in the person of the sage or the people, they provide us with a way of interpreting passages in the Daodejing that are frequently construed unsympathetically as recommending imposition and control. Chapter 3 is an example: Not promoting those of superior character Will save the common people from becoming contentious. Not prizing property that is hard to come by Will save them from becoming thieves. Not making a show of what might be desired Will save them from becoming disgruntled. It is for this reason that in the proper governing by the sages: They empty the hearts-and-minds of the people and ll their stomachs, They weaken their aspirations and strengthen their bones, Ever teaching the common people to be unprincipled in their knowing And objectless in their desires. They keep the hawkers of knowledge at bay. It is simply in doing things noncoercively That everything is governed properly. But the wu-forms are not just wuwei,

#### Empirics prove the aff works- they even named these companies ‘DAO’s’

Cathy Hackl, 21, What Are DAOs And Why You Should Pay Attention, Forbes, 6-1-2021, DOA: 10-29-2021, https://www.forbes.com/sites/cathyhackl/2021/06/01/what-are-daos-and-why-you-should-pay-attention/, r0w@n

Can you imagine a way of organizing with other people around the world, without knowing each other and establishing your own rules, and making your own decisions autonomously all encoded on a Blockchain? Well, DAOs are making this real. Wikipedia defines DAO (Decentralized Autonomous Organization) as an organization represented by rules encoded as a transparent computer program, controlled by the organization members, and not influenced by a central government. As the rules are embedded into the code, no managers are needed, thus removing any bureaucracy or hierarchy hurdles. Some of today's internet users and the next generations are looking forward to starting social organizations, searching for an answer to: “How can we exchange values in a trusted environment?” Blockchain enables automated trusted transactions and value exchanges, but even so, internet users around the world want to organize themselves in a “Safe and effective way to work with like-minded folks, around the globe”, according to Ethereum PROMOTED Bitcoin is generally considered to be the first fully functional DAO, as it has programmed rules, functions autonomously, and is coordinated through a consensual protocol. Of course, not every DAO has been as successful as Bitcoin. In May 2016, German startup slock.it launched the creatively named “The DAO” in support of their decentralized version of Airbnb. At the time it was a great success with a crowdfunding campaign that raised over $150 million worth of Ethereum. Unfortunately, the code they used in the DAO had certain issues. So inevitably in June 2016 hackers managed to siphon off $50 million worth of Ethereum from the DAO before it was stopped. Even though the fault was in the slock.it code and not in the underlying technology, the hack did undermined some people’s trust in both the Ethereum coin and DAOs in general. MORE FOR YOU Metaverse Weekly: Virtual Gucci Pursues, Digital People, Direct To Avatar Ecosystem, Nerf, NFTs And Beyond Defining The Metaverse Today The Metaverse Is Coming And It’s A Very Big Deal But today, due to the explosion of Decentralized Finance (DeFi) during 2020, has led to a rise in renewed interest in DAOs. Now that you have a better idea of what DAOs are, it is important to understand more about their background and characteristics to appreciate the whole picture of what is turning traditional forms of organizing upside down. What Makes DAOs Different? Blockchain network concept. GETTY Top Articles READ MORE Why Did Brinker International’sStock Fall? A DAO’s financial transactions and rules are recorded on a blockchain. This eliminates the need to involve a third party in a financial transaction, simplifying those transactions through smart contracts. The firmness of a DAO is a smart contract. The smart contract represents the rules of the organization and holds the Organization’s storage. No one can edit the rules without people noticing, because DAOs are transparent and public. Up to today we are used to companies backed by legal status, a DAO may perfectly function without it as it can be structured as a general partnership. In comparison to traditional companies, DAOs have a democratized organization. All the members of a DAO need to vote for any changes to be implemented, instead of implemented changes by a sole party (depending on the company’s structure). The funding of DAOs is mainly based on crowdfunding that issues tokens. The governance of DAOs is based on community, while traditional companies’ governance is mostly based on executives, Board of Directors, activist investors. etc. DAOs’ operations are fully transparent and global, meanwhile, traditional companies’ operations are private, only the organization know what is happening, and they are not always global. Fully Functional DAOs DAOs are picking up steam GETTY DAOs need the following elements for being fully functional: A set of rules to which will operate, a funding like tokens that the organization can spend to reward certain activities to their members, and also to provide voting rights for establishing the operation rules. Also, and most important, is a well and secure structure that allows every investor to configure the organization. One potential problem with the voting system is that even if a security hole was spotted in its initial code, it can’t be corrected until the majority votes on it. While the voting process takes place, hackers can make use of a bug in the hole of the code. How Are DAOs Being Used Today? Steve Aoki performing onstage GETTY IMAGES FOR SHEIN TOGETHER FEST 2021 So far DAOs are being used for many purposes such as investment, charity, fundraising, borrowing, or buying NFTs, all without intermediaries. So you can have a better idea, for example, a DAO can accept donations from anyone around the world and the members can decide how to spend donations. Can you imagine being a co-owner of an Artist’s song by just using cryptocurrency on an internet-based organization? In May 2021, Jenny DAO acquired its first NFT, an original song of Steve Aoki and 3LAU. This DAO is a metaverse organization that provides fractional ownership of NFTs. Its members will be able to oversee the purchase of the NFTs and Unicly protocol’s smart contracts control the vault where these NFTs will be added. The Metaverse Is Changing Business As We Know It 3d rendering of abstract Blockchain concept GETTY DAOs envision a collective organization owned and managed by its members with all of them having a voice. Many analysts and industry insiders affirm that this type of organization is coming to prominence, even potentially replacing some traditional companies. Businesses and brands need to stay abreast of current trends that could impact how they engage with consumers and how consumers interact with them. While DAOs are not ubiquitous yet, they do seem to be picking up steam with many creators.

#### The plan creates a balanced state- that’s a new way of viewing the world that undermines the corruption desire structures have forced upon us all

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 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

#### Creativity evolves with everything else and comes from internal desire, if you want outcome prioritize those things

Ames and Hall 10. Roger Ames and David Hall (Ames is a Canadian philosopher at the University of Peking. Hall was a professor of philosophy at the University of Texas), 2010, “Daodejing: Making this Life Significant,” Ballantine Books, I have a pdf, r0w@n

In our introduction to Focusing the Familiar: A Translation and Philosophical Interpretation of the Zhongyong, we introduce a distinction between power and creativity, and follow A. N. Whitehead in questioning the appropriateness of using “creativity” in the familiar creatio ex nihilo model that we associate with Judeo- Christian cosmogony. Whitehead argues that any robust sense of creativity requires that creativity itself is more primordial than God. In the received Judeo-Christian tradition, the all-powerful God determines things, makes things. God, as Omnipotent Other Who commands the world into being, is Maker of the world, not its Creator. In the presence of the perfection that is God, nothing can be added or taken away. There can be no novelty or spontaneity. Thus, all subsequent acts of “creativity” are in fact secondary and derivative exercises of power. Creativity can make sense only in a processual world that admits of ontological parity among its constitutive events and of the spontaneous emergence of novelty. Power is to be construed as the production of intended effects determined by external causation. Real creativity, on the other hand, entails the spontaneous production of novelty, irreducible through causal analysis**.** Power is exercised with respect to and over others. Creativity is always reflexive and is exercised over and with respect to “self.” And since self in a processive world is always communal, creativity is contextual, transactional, and multidimensional. Thus creativity is both self-creativity and co- creativity. Either everything shares in creativity, or there is no creativity. Indeed, it is this transactional, co-creative character of all creative processes that precludes the project of self-cultivation and self-creation from being egoistic.One further point can be made with respect to the creativity that the spontaneous emergence of novelty makes possible. The radical sense of creativity that we associate with “bringing into being” in a creatio ex nihilo sensibility is too isolated and extreme for this idea within the Daoist tradition. The term dao, like the terms “building,” “learning,” and “work,” entails both the process and the created product. It is the locus and the time frame within which the always contextualized creativity takes place. When the Zhuangzi observes that “we are one with all things ,” this insight is a recognition that each and every unique phenomenon is continuous with every other phenomenon within one’s eld of experience. But is this an exhaustive claim: are we talking about all phenomena in the continuing present? Because the world is processional and because its creativity is ab initio rather than ex nihilo—a contextual creativity expressed across the careers of its constitutive phenomena—any answer to this question would have to be provisional. Phenomena are never either atomistically discrete or complete. The Zhuangzi recounts

#### Conceptualizations of property control desires- forgetting these structures overwhelms the language barrier that makes all other reformation fail

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?)

#### 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

#### The universe is a continuous stream of consciousness with no static reality

Ames and Hall 10. Roger Ames and David Hall (Ames is a Canadian philosopher at the University of Peking. Hall was a professor of philosophy at the University of Texas), 2010, “Daodejing: Making this Life Significant,” Ballantine Books, I have a pdf, r0w@n

We begin our argument for translating Daodejing as “Making This Life Signicant” from Daoist cosmology. Taking a closer look at the interpretation of both the title and the content of the Daodejing as “The Classic of This Focus (de page24image2425456) and Its Field (dao page24image2425040),” we might first ask what does the expression “this focus” mean? The Daoist correlative cosmology begins from the assumption that the endless stream of always novel yet still continuous situations we encounter are real, and hence, that there is ontological parity among the things and events that constitute our lives. As a parody on Parmenides, who claimed that “only Being is,” we might say that for the Daoist, “only beings are,” or taking one step further in underscoring the reality of the process of change itself, “only becomings are.” That is, the Daoist does not posit the existence of some permanent reality behind appearances, some unchanging substratum, some essential denying aspect behind the accidents of change. Rather, there is just the ceaseless and usually cadenced flow of experience. In fact, the absence of the “One behind the many” metaphysics makes our uncritical use of the philosophic term “cosmology” to characterize Daoism, at least in the familiar classical Greek sense of this word, highly problematic. In early Greek philosophy, the term “kosmos” connotes a clustered range of meanings, including arche (originative, material, and efficient cause/ultimate undemonstrable principle), logos (underlying organizational principle), theoria (contemplation), nomos (law), theios (divinity), nous (intelligibility). In combination, this cluster of terms conjures forth some notion of a single-ordered Divine3 universe governed by natural and moral laws that are ultimately intelligible to the human mind. This “kosmos” terminology is culturally specfiic, and if applied uncritically to discuss the classical Daoist worldview, introduces a cultural reductionism that elides and thus conceals truly significant differences. The Daoist understanding of “cosmos” as the “ten thousand things” means that, in effect, the Daoists have no concept of cosmos at all insofar as that notion entails a coherent, single-ordered world which is in any sense enclosed or denied. The Daoists are, therefore, primarily, “acosmotic” thinkers.

#### Wu-Wei brings an understanding of a change that uniquely enables progress

Wenning 11. Mario Wenning (Teaches and studies Social and Political Philosophy, Intercultural Philosophy, Aesthetics at the University of Macau, has a PHD from the New School), 2011, Comparative Philosophy vol. 2, <https://scholarworks.sjsu.edu/cgi/viewcontent.cgi?referer=https://www.google.com/&httpsredir=1&article=1017&context=comparativephilosophy>, Accessed on July 15, 2021. r0w@n

Pathologies are social and psychological deformations on a structural level manifesting themselves in social institutions, individual patterns of beliefs, motivations and practices. The pathologies which critical theory has been diagnosing can be summarized, following Marx, Lukacs and Weber, as a combination of reification, disenchantment and acceleration. In the process of increasingly understanding intersubjective-, self- and world-relationships primarily from the perspective of exchanging equivalent commodities on a market governed increasingly, and sometimes exclusively, by a competition for these commodities, individuals become systematically estranged from the objects they produce, the process of production, themselves, and from the community of fellow human beings.12 The pathology of reification (Verdinglichung) arising from the exchange principle governing ever more dimensions of society has been analyzed, drawing on the early Marx and Lukacs, from a variety of perspectives.13 Originally reification referred to the process of making singular human beings and experiences similar and exchangeable by abstracting from their unique qualities. While the concept seemed outdated for a long time due to its implicit assumption of a human essence from which one could become estranged, it made an astonishing comeback. Whether it is a critique of the reification/distortion of communication,14 the reification of relationships of intersubjective recognition,15 the reification of gender roles16 or the 12 Karl Marx (1973, 108-111). 13 See for example Axel Honneth, (2005). 14 Jürgen Habermas (1984). 15 Axel Honneth (1996). 57 Comparative Philosophy 2.2 (2011) WENNING reification of conceptions of the self,17 what is being criticized are relationships primarily controlled by a fixed logic of instrumental reason and strategic bargaining processes rather than mutual understanding, recognition, care for the self, love and other preconditions of leading a good life within the constraints of justice. Apart from the attempts to shed light on reification as a major form of pathology in modern societies, it is a significant success of recent work in critical social theory to emphasize that not all pathologies of modernity can be reduced to intersubjective pathologies of communication and reification.18 People in late modern societies do not just suffer from being used rather than understood or being invisible rather than recognized. They also suffer from what Max Weber called ‗disenchantment‘ (Entzauberung). In the process of increased rationalization, traditional sources of meaning that were sedimented in inherited religious traditions, social institutions and customs have lost their power in orienting lives. Finally, **the process that reification and the vanishing of resources of meaning have been engaged in is one of an increasing acceleration** (Beschleunigung) in which, as Marx puts it, ―everything that is solid melts into the air‖. We witness a progressively increasing speed not only of technological innovation, but of social change since the late medieval period. While there was an intergenerational speed of change in the early modern period, and a generational speed of change during classical and high modernity, **late modernity is characterized by an intragenerational speed of change** in which **the basic parameters of coordinating one‘s life change within a lifetime.** In this latest stage of acceleration, the only thing that is certain is that what was taken to be certain today might not be certain tomorrow.19 This acceleration is both subjectively experienced and corresponds to objective modes of accelerated life ranging from processing information, the transportation of goods and people, voting behavior to the change of significant others and professions. Increased change of environments and values undermines traditional forms of identity formation since actors are forced to constantly reassess and readjust their forms of life, practices and sets of convictions. All three pathologies constitute forms of social injury. While the psychological impact of **reification leads to systematic forms** of forced inclusion or exclusion, **of being restricted to or being left out of fixed identities**, and the process of disenchantment corresponds to a sense of existential absurdity in a world devoid of binding resources of meaning, the pressures of increasing acceleration are experienced in terms of existential exhaustion and anxiety. As a consequence, there is an increased sense of superfluousness and being antiquated, a fear to be left behind in, or fall outside of the rushing hamster's wheel of late modern societies. . However distinct these pathologies might appear, it is crucial to notice that there is a close linkage between these three briefly outlined pathological tendencies of modern societies. Not only are reification, disenchantment and acceleration historically connected, they also imply each other on a conceptual level. Reification consists in seeing the world primarily from the vantage point of being a means or a toolbox from which means can be utilized in order to bring about a desired end. In this objectifying process, the end justifies the variable means and is the only factor taken to be intrinsically valuable. This end, then, is understood as not presently realized but as a future possibility the reality of which depends on the implementation of one's plan of action. Bernard Williams, the eminent British moral philosopher, stresses this point by arguing that without projecting an aim into the future, life would become meaningless. He argues for ―the idea of a man's ground projects providing the motive force which propels him into the future, and gives him a reason for living.‖20 If it were the case that our very existence would be safeguarded only as long as we intentionally pursue future-directed goals and projects in increasingly rationalized ways, it would mean that actors would be doomed to be increasingly alienated from a present they could at best regard as offering instrumentally useful, but intrinsically insignificant means for a supposedly meaningful future. Seen from the temporal horizon of the actor engaged in instrumental reasoning and action, the present events, actions, objects and subjects lack any intrinsic value. They are regarded as merely ―useful for‖ certain projects rather than significant in virtue of what they are. The moment a project is realized, the satisfaction vanishes since it is not futural anymore. By presupposing such a restricted conception of projective action as the reason for living, the present environment an actor navigates in is transformed into pure immanence in which prediction becomes possible to the point of resembling an analytic judgment: assuming that we know what we want, and if we can do what we want while nobody keeps us from doing it, what we want will become realized. Novelty is being reduced to the discovery of new implications of what has already been familiar. Effort is generated once we see the end of our action as external to our spontaneously generated attachments. It grows out of the attempt to realize the stipulated end in ever more innovative, efficient and predictable ways in which spontaneity is, at best, forced towards a goal. The goal at which effort is directed often drops out of focus during the acceleration process or it loses its appeal. It seems external to the actor who has been trapped in a means-ends apparatus. This rationalization process increasingly becomes independent from the specificity of ends pursued and impossible to get out of. With every rationalized act the actor moves deeper into the quicksand of a world of suppressed spontaneity. The consequence of this seemingly autonomous rationalization process famously described by Weber as an ―iron cage‖ is that the present is being downgraded as insignificant on its own terms when compared to the future gains one promises oneself as the payoff of one's actions. Processes of innovation become the norm and speed up because actors hope to do and achieve ever more goals in increasingly shorter segments of emptied time. Actors rush to a future, which can in principle never be actualized. Paul Virillio fittingly describes this blind acceleration process of chasing structurally elusive future goals in increasingly higher speeds of innovation adequately as a ―rushing standstill‖. From within the ―iron cage‖ of modernity true innovation, which would have to be different from mere acceleration or enhancement and would require deliberating about alternative present ends, seems increasingly impossible.21 The new is transfigured into the only variable that is to be expected. Instrumental action as the reified forgetfulness of the meaning resources of the present for the sake of the projected future thus seems without alternative. The consequence is what Hermann Lübbe refers to as a ‗Gegenwartsschrumpfung‘, a continuing shrinking of the present under the complimentary pressures of the tendencies of melancholic musealization of irretrievably lost pasts and forced innovation to run after structurally elusive futures.22 The dilemma with which critical theorists see themselves confronted is that whatever emancipatory tendencies – be they introduced as forms of resistance, mutual understanding, recognition etc. – are being proposed as means for a future end, instrumental action is reenacted under a normative guise and the domination of the future over the rest of time is thus further sedimented. As soon as instrumental actors propose or just point to emancipatory forms of action, they replicate and reenact the same temporal logic that it originally diagnosed as the problem of modernity, i.e., the belief that the future can be mastered through acts of projective planning. The problem of this projective planning mentality is not that things often turn out differently than planned, but that the actor sidesteps and thereby undermines the significance of the present and sees it simply as something to be used for future ends. In other words, by downgrading the present including its modes of action to being "for the sake of the future," critical theory denigrates the present to the status of a prefuture, a state of emptiness that is used as a resource rather than lived in. A theory exposing and explaining social pathologies is keen on pointing to the inescapable mechanisms preventing the emancipatory use of reason through action. Such an exclusive focus on the diagnosis and emergence of pathologies coincides with developing an ethics of melancholy that emphasizes the inescapable specter of instrumental reason. Looking back in a melancholy state of mind over the long history of failed revolutions, it only sees what has been irretrievably lost in the wake of histories of catastrophes.23 The present is now seen as an appendix to a past larger than life, an after-past. By replacing the search for an alternative mode of present potentiality with a focus on the traumatic experiences of history, it forecloses the possibility of emancipatory action in the present and thereby reverses the temporal logic of modernity. By replacing the infatuation of the projected future over the present, a new domination – that of the past over the present – is being introduced and sedimented. While the former domination – that of the future over the present - corresponded to forms of blind activism, the latter – that of the past over the present - leads to a state of passivity, an inhibition, which replaces the engagement with the present for the contemplation of mnemonic art. The consequence is not a liberation of the past (which is in principle impossible) or a liberation of the present, but an extension of the temporal pressure put on the present. While the classical modernists only had to justify themselves with respect to the future, late modernists also have to justify themselves with respect to the past. This detour was intended to show that the instrumental actor finds himself in a dilemma that seems impossible to get out off. The shrinking of the present arising out of instrumental action constitutes a theoretical as well as practical impasse. A transcultural engagement with Daoism understood as another critical theory could turn out to be fruitful given that it emerged within a cultural context in which instrumental action has not been the only or even primary form of action. First, however, it needs to be asked whether it is at all legitimate to interpret Daoism as another critical theory. In the second part of the paper I will first show that Daoism can be understood as a critical theory and then discuss whether it offers an insight that could overcome the uneasy relationship between critical theory and emancipatory action with a focus on the present. The goal is to show that the proto-Daoists Lao Zi and Zhuang Zi, commonly referred to as "Lao-Zhuang", provide a promising path which points to an alternative approach of addressing the vexing problem of instrumental action expressing itself in the pathologies of reification, disenchantment and acceleration. At the risk of engaging in anachronistic hermeneutics by applying texts from a different tradition which date back two and a half-millennia, the benefits of tapping rich conceptual sources providing a new insight into entrenched philosophical preconceptions seem overwhelming. Compared to European traditions, Daoism's long history of addressing phenomena of reification and change in theoretical, as well as practical ways, provides an immense richness not only for a reorientation of critical theory, but also in terms of envisioning emancipatory practices. The insight into the fluidity of social dynamics and the fluid subjectivity of actors anticipates many of the developments of late modern societies. At the same time Daoism offers us correctives to these developments. The early Daoist acknowledgment of the value of idling and uselessness, for example, allows us to level a critique of the pathologies of reification, disenchantment and acceleration deriving from a reduction of action to instrumental action. A critical theory in the spirit of Daoism would not simply disclose pathologies. It would also offer constructive resources which allow us to critically address and, as far as possible, overcome these pathologies without providing yet another reifying project that sells out on the potentiality of the present for the sake of the future.

#### Without being distracted by cumbersome desires our lives become acts of resistance

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If we look for a more concrete way to express the cultivation of the wu-form disposition advocated by the Daodejing, we might think of “life as art.” The developed customs and habits of mind of the Daoist are a resource that conditions, influences, and attempts to optimize the range of creative possibilities without in fact causally determining the crafting of novel experiences. Such aggregated habits are irreducibly social, and are the unannounced social propensity out of which individual hearts-and-minds express themselves as overt actions. For example, the insistent particularity associated with the uniqueness of a particular person must be understood both relationally and as a dynamic process within the context of a given natural, social, and cultural world. Particular character is an inter- penetration of habits that has organized and made meaningful the more primary but not more important natural impulses. Considered synchronically, persons are irreducibly relational, entailing what they do for this specific community as well as the personal enrichment they derive from participating in its communal life- forms and culture. Viewed diachronically, each particular personality must also be understood as an ongoing and unrelenting awareness that attends every gesture and thought, and that is expressed as a rened disposition in all of its activities. For the classical Confucian, this ritualized awareness (li page61image62594368)—the living of one’s life within the roles and relationships of family and community—focuses one’s aggregated habits as they are expressed in the events of the day. We have reected on this Confucian notion of disposition at some length in our Focusing the Familiar: A Translation and Philosophical Interpretation of the Zhongyong, and attempt to locate the Daoist sensibility within this discussion here. To begin with, for the Daoist, this focused awareness is extended beyond the immediate human community to encompass the other environments as well. The habit-informed interactions between person and environments occur within custom and culture broadly construed. This ecological sensibility is what gives Daoist philosophy its profoundly cosmic dimension. To use the word “habits” to characterize either the Confucian li or the Daoist ecological sensibility might seem, initially, somewhat disenchanting, reducing the intense and elegantly productive human experience, whether human-centered or more broadly construed, to the ordinary and routine. But the claim at issue is that it is precisely in the elevation of the routine and ordinary business of the day, rather than in some ephemeral and transitory “momentous” events, that the profound meanings of a life are to be realized. And, properly understood, “habit” is essential to this process of enchanting the everyday. We are accustomed to think of habit in a negative manner as mere routine, or as compulsively repetitive behavior that we would alter if only we had the willpower. That is, we are inclined to place habit squarely within the sphere of determined behavior. Indeed, habit as acquired disposition is of no great significance if one understands the order of the world to be the result of a transcendent Creator, or as the mechanical instancing of transcendent Laws of Nature. For in such cases, habitual actions merely replicate the necessities of things; they are the involuntary expression of our given instincts and needs. It is only if the world is truly processive and changing in character that acquired dispositions may become a constitutive ground of the way things are. Understanding the Daoist-refined ecological consciousness as habitual behavior will be of benet only if we rethink our own accepted senses of habit. Hexis was used initially by Aristotle as a neologism. The Greek hexus means “having” or “being in possession of.” Early on, hexis also had the suggestion of both “condition” and the “state” of something. It was thus used dispositionally to mean the natural or conditioned “tendencies” of things—as the “habit” of a vine. Aristotle himself sometimes uses hexis to refer to the natural or innate behavior of creatures. If we combine the senses of “habit” as that which is had—as a state or condition that something takes on, and as its consequent tendency—we arrive at the sense of the term that is found most prominently in the American pragmatic tradition. John Dewey contrasts habit with essentialized notions of human nature and reason that are the backdrop of deterministic instinct theory, insisting that “the meaning of native activities is not native; it is acquired.”24 We are our habits, and they possess us rather than we them. So for Dewey, “the real opposition is not between reason and habit but between routine, unintelligent habit, and intelligent habit or art.”25 Habit is an acquired and cultivated disposition to act in one way as opposed to another. It is the significant form that bursts of energy take as they are channeled through existing patterns of associated living, dependent upon anticipated response as much as novel impulse. It is certainly not counterintuitive to understand habit in this creative sense. Most individuals would recognize the peculiar contribution of technique to artistic endeavor. Without the ability to mentally parse and physically play musical notes and chords in a stylized fashion, neither composition nor performance would be possible. Technique, as pre-reflective and dispositional, frees the artist to perform and to create. This same relationship to spontaneity is realized throughout one’s experience

#### To attain real progress we need to make connections- that overwhelms desire that normally causes failure

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

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## Overview

### V2

#### The role of the ballot is to vote for the debater that best advocates for *wu-wei* deferential politics, that requires a constant rejection all unproductive desires and desire systems- that’s Ames and Hall

#### I win under the rotb through the plan-

#### Reject appropriation of outer space as unjust by voting for a deterritorialized and nomadic form of possession- that’s bruncevic

#### The plan changes our conceptualizations of ‘owning’ and ‘labor’ to align with wuyu and wuwei- that’s Ames and Hall 10

#### Prefer my rotb

#### Every action that isn’t wuwei politics gets co-opted by systems of desire that destroy movements- that’s chad

#### Accelerationism- the idea that sociotechnological change destroys all non-wuwei movements since only wuwei can operate outside of it’s place and time- that’s Ames and Hall

### Framing Questions

#### The Framing question for you this round is ‘how does the neg resolve desire structures?’

#### This question means two things

#### If they don’t resolve desire structures they do not win a single impact- the chad evidence is very explicit that only changing desire structures can function to create realistic change since it’s how the system is constructed

#### The world is structurally different post-aff since desire systems are reformed, this means none of their ks or disads to the plan link since they assume current desire systems

#### The Framing question for you this round is ‘how does the neg resolve accelerationism?’

#### The world is constantly changing and flowing–that’s something every single mainstream justice movement has failed to resolve and it is why not a single contemporary movement has been able to totally overcome regressive institutions- that’s ames and hall and wenning

#### That means if the answer to that question is ‘no’ then the neg cannot and will not solve any of their impacts

#### Wu-wei brings a resolution by taking into account the short-lived nature of desires– we’re always thinking in the end game- that’s wenning

## K Answers

### General

#### Perm do both- extend the Pratt 14 evidence- the aff eliminates the violent nature in society that they problematize

#### Perm do the aff then the alt- radicalism fails without the communal mindset that Daoism fosters and the k solves back for institutional violence like \_\_\_

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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

#### 3. double-bind: EITHER doing the alternative will be strong enough to overcome the residual links to one instance of the plan, OR it will be too weak to overcome the status quo.

#### 4. Chad

Desires are controlled by the system- without an affirmation of forgetting those desires the neg falls prey to them- that means the alt can’t solve

#### 5. Ames and Hall Habit Forming

Deferential disposition prioritizes habit forming- superior movement building method since it maximizes accessibility that means any movement building offense flows aff because we structurally make justice movements realistic

### Cap

#### 1. Perm do the aff then the alt- communism fails without the communal mindset that Daoism fosters

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). 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#### 3. Prefer the aff- it’s more continuous which means we don’t give up after the first revolution- it’s the mindset of constant progress and ajustment

#### Marxism can’t prevent stuff like racism or transphobia from hacking the movement- ie stalin used antisemitism to rally people around the party- we create the harmonious state that solves back for other instances of violence

#### Communism fails— lack of incentives and knowledge ensure that mass death, starvation, and torture follow

Somin 17- law professor at George Mason University. He coauthored an amicus brief in California v. Texas, with a cross-ideological group of legal scholars, arguing that the challenge to the ACA as a whole should be rejected. [(Ilya Somin, “Lessons from a century of communism,” Washington post, 11/7/17, https://www.washingtonpost.com/news/volokh-conspiracy/wp/2017/11/07/lessons-from-a-century-of-communism/]((Ilya%20Somin,%20))//mcu

Today is the 100th anniversary of the Bolshevik seizure of power, which led to the establishment of a communist regime in Russia and eventually in many other nations around the world. It is an appropriate time to remember the vast tide of oppression, tyranny, and mass murder that communist regimes unleashed upon the world. While historians and others have documented numerous communist atrocities, much of the public remains unaware of their enormous scale. It is also a good time to consider what lessons we can learn from this horrendous history. I. A Record of Mass Murder and Oppression. Collectively, communist states killed as many as 100 million people, more than all other repressive regimes combined during the same time period. By far the biggest toll arose from communist efforts to collectivize agriculture and eliminate independent property-owning peasants. In China alone, Mao Zedong’s Great Leap Forward led to a man-made famine in which as many as 45 million people perished – the single biggest episode of mass murder in all of world history. In the Soviet Union, Joseph Stalin’s collectivization – which served as a model for similar efforts in China and elsewhere – took some 6 to 10 million lives. Mass famines occurred in many other communist regimes, ranging from North Korea to Ethiopia. In each of these cases, communist rulers were well aware that their policies were causing mass death, and in each they persisted nonetheless, often because they considered the extermination of “Kulak” peasants a feature rather than a bug. While collectivization was the single biggest killer, communist regimes also engaged in other forms of mass murder on an epic scale. Millions died in slave labor camps, such as the USSR’s Gulag system and its equivalents elsewhere. Many others were killed in more conventional mass executions, such as those of Stalin’s Great Purge, and the “Killing Fields” of Cambodia. The injustices of communism were not limited to mass murder alone. Even those fortunate enough to survive still were subjected to severe repression, including violations of freedom, of speech, freedom of religion, loss of property rights, and the criminalization of ordinary economic activity. No previous tyranny sought such complete control over nearly every aspect of people’s lives. Although the communists promised a utopian society in which the working class would enjoy unprecedented prosperity, in reality they engendered massive poverty**.** Wherever communist and noncommunist states existed in close proximity, it was the communists who used walls and the threat of death to keep their people from fleeing to societies with greater opportunity. II. Why Communism Failed. How did an ideology of liberation lead to so much oppression, tyranny and death? Were its failures intrinsic to the communist project, or did they arise from avoidable flaws of particular rulers or nations? Like any great historical development, the failures of communism cannot be reduced to any one single cause. But, by and large, they were indeed inherent. Two major factors were the most important causes of the atrocities inflicted by communist regimes: perverse incentives and inadequate knowledge. The establishment of the centrally planned economy and society required by socialist ideology necessitated an enormous concentration of power. While communists looked forward to a utopian society in which the state could eventually “wither away,” they believed they first had to establish a state-run economy in order to manage production in the interests of the people. In that respect, they had much in common with other socialists. To make socialism work, government planners needed to have the authority to direct the production and distribution of virtually all the goods produced by the society. In addition, extensive coercion was necessary to force people to give up their private property, and do the work that the state required. Famine and mass murder was probably the only way the rulers of the USSR, China, and other communist states could compel peasants to give up their land and livestock and accept a new form of serfdom on collective farms – which most were then forbidden to leave without official permission, for fear that they might otherwise seek an easier life elsewhere. The vast power necessary to establish and maintain the communist system naturally attracted unscrupulous people, including many self-seekers who prioritized their own interests over those of the cause. But it is striking that the biggest communist atrocities were perpetrated not by corrupt party bosses, but by true believers like Lenin, Stalin, and Mao. Precisely because they were true believers, they were willing to do whatever it might take to make their utopian dreams a reality. Even as the socialist system created opportunities for vast atrocities by the rulers, it also destroyed production incentives for ordinary people. In the absence of markets (at least legal ones), there was little incentive for workers to either be productive or to focus on making goods that might actually be useful to consumers. Many people tried to do as little work as possible at their official jobs, where possible reserving their real efforts for black market activity. As the old Soviet saying goes, workers had the attitude that “we pretend to work, and they pretend to pay.” Even when socialist planners genuinely sought to produce prosperity and meet consumer demands, they often lacked the information to do so. As Nobel Prize-winning economist F.A. Hayek described in a famous article, a market economy conveys vital information to producers and consumers alike through the price system. Market prices enable producers to know the relative value of different goods and services, and determine how much consumers value their products. Under socialist central planning, by contrast, there is no substitute for this vital knowledge. As a result, socialist planners often had no way to know what to produce, by what methods, or in way quantities. This is one of the reasons why communists states routinely suffered from shortages of basic goods, while simultaneously producing large quantities of shoddy products for which there was little demand.

#### Socialism fails and causes a reversion back to capitalism – empirics

Muravchik 19 (Joshua, distinguished fellow @ World Affairs Institute, adjunct professor @ Institute of World Politics, former fellow at the Foreign Policy Institute of Johns Hopkins University’s School of Advanced International Studies, “Socialism Fails Every Time,” Wall Street Journal, 4/9/19, <https://www.wsj.com/articles/socialism-fails-every-time-11554851786>, ccm)

Self-described socialist Bernie Sanders has become a favorite of young voters by posing as an apostle of daring new ideas. Socialism, however, is anything but new. It’s hard to think of another idea that has been tried and failed as many times in as many ways or at a steeper price in human suffering.

The term “socialism” was coined by followers of Robert Owen (1771-1858), whom Karl Marx would label a “utopian socialist.” In 1825 Owen founded New Harmony, an Indiana commune, to demonstrate the superiority of what was first called the “social system.” The same year, Owen explained his experiment to a joint session of Congress attended by Supreme Court justices, President James Monroe and President-elect John Quincy Adams. Although Owen poured his fortune into it, New Harmony collapsed in disarray and recrimination within two years.

Owen’s son Robert Dale Owen salvaged the community by implementing what he called “a policy the very reverse” of socialism: “giving each respectable citizen every facility and encouragement to become (what every adult ought to be) a landed proprietor.”

Undeterred, others founded some 40 to 50 similar communes during the 19th century, and all collapsed quickly. New Harmony’s two years proved to be their median lifespan.

Based on the uniformly dismal results, the idea of socialism might have died a quiet death were it not for Marx (1818-83), who transformed socialism from an experiment—tried, tested and failed—into a prophecy, “the riddle of history solved.” Ironically, he called his vision “scientific socialism.”

Inspired by the dream of proletarian revolution overthrowing capitalist immiseration, socialist parties sprouted across Europe. Yet instead of growing poorer, workers in industrialized countries saw improvement in their living standards; and instead of disappearing, middle classes expanded—all disproving Marx.

It took Vladimir Lenin’s “vanguard” and the horrors of World War I to give socialism new life. In Russia, Lenin pioneered modern communism, which in the 20th century was imposed on 18 countries and one-third of mankind. Repression was justified by socialism’s purported economic benefits, but the actual trade-off entailed economic misery and the snuffing out of as many as 100 million lives.

Today Communist parties rule six countries. Most follow the lead of China, where the party redefined itself to include entrepreneurs. A 2012 Wall Street Journal report identified 160 people with an average net worth of more than $1 billion holding high government or party seats. No Chinese Bernie Sanders rails against them.

“Social democrats” and “democratic socialists” rejected Lenin’s methods. But their goals remained transformational. As British Labour Party leader Clement Attlee, who became prime minister in 1945, explained: “Our policy was not a reformed capitalism but progress toward a democratic socialism.” Labour sought to bring “main factors in the economic system”—including banks, mining and energy—under “public ownership and control.” Nationalization worked so badly, however, that Attlee soon beat a retreat and was voted out in 1951.

In 1981 Socialist François Mitterrand was elected president of France promising a clean “rupture” with capitalism. The results of his spending and nationalizations were so alarming that in 1982 Mitterrand reversed course and implemented austerity measures, which he dubbed “socialist rigor” to save face. “The aim is to bring about a real reconciliation between the left and the economy,” explained Socialist Party chief Lionel Jospin.

American socialists like Mr. Sanders, while often defending the likes of Fidel Castro, Daniel Ortega, Hugo Chávez and Nicolás Maduro, prefer to point to Scandinavia as a model. But Scandinavian social democrats learned to settle for dense social safety nets underwritten by remarkably free, capitalist economies. On the World Bank’s Ease of Doing Business scale, Denmark ranks third of 190 countries, Norway seventh and Sweden 12th.

Still other forms of socialism arose in the Third World. Encouraged by United Nations development experts, virtually all newly decolonized states adopted “African Socialism,” “Arab Socialism” or other variants. The result was years of economic stagnation until the successful models of East Asia began to reverse their thinking.

Successful socialism has been created in only one place on earth, the kibbutzim of Israel. They were democratic and egalitarian; sharing possessions, meals, even child rearing. But once the Jewish state was securely on its feet, kibbutzniks chose to switch to private enterprise. Socialism, they learned to their surprise, was not a happy way to live.

Socialism has failed everywhere it’s been tried—even where it succeeded. Surely today’s young people can create their own ideas and make their own mistakes rather than repeat those that darkened the times of their parents, grandparents and the generations before.

#### Historical examples do apply- the conditions they created were inevitable which is why they’ve ALWAYS HAPPENED

Somin 17- law professor at George Mason University. He coauthored an amicus brief in California v. Texas, with a cross-ideological group of legal scholars, arguing that the challenge to the ACA as a whole should be rejected. [(Ilya Somin, “Lessons from a century of communism,” Washington post, 11/7/17, https://www.washingtonpost.com/news/volokh-conspiracy/wp/2017/11/07/lessons-from-a-century-of-communism/]((Ilya%20Somin,%20))//mcu

III. Why the Failure Cannot be Explained Away. To this day, defenders of socialist central planning argue that communism failed for avoidable contingent reasons, rather than ones intrinsic to the nature of the system. Perhaps the most popular claim of this **sort** is that a planned economy can work well so long as it is democratic. The Soviet Union and other communist states were all dictatorships. But if they had been democratic, perhaps the leaders would have had stronger incentives to make the system work for the benefit of the people. If they failed to do so, the voters could “throw the bastards out” at the next election. Unfortunately, it is unlikely that a communist state could remain democratic for long, even it started out that way. Democracy requires effective opposition parties. And in order to function, such parties need to be able to put out their message and mobilize voters, which in turn requires extensive resources. In an economic system in which all or nearly all valuable resources are controlled by the state, the incumbent government can easily strangle opposition by denying them access to those resources. Under socialism, the opposition cannot function if they are not allowed to spread their message on state-owned media, or use state-owned property for their rallies and meetings. It is no accident that virtually every communist regime suppressed opposition parties soon after coming to power. Even if a communist state could somehow remain democratic over the long run, it is hard to see how it could solve the twin problems of knowledge and incentives. Whether democratic or not, a socialist economy would still require enormous concentration of power, and extensive coercion. And democratic socialist planners would run into much the same information problems as their authoritarian counterparts. In addition, in a society where the government controls all or most of the economy, it would be virtually impossible for voters to acquire enough knowledge to monitor the state’s many activities. This would greatly exacerbate the already severe problem of voter ignorance that plagues modern democracy. Another possible explanation for the failures of communism is that the problem was **bad leadership**. If only communist regimes were not led by monsters like Stalin or Mao, they might have done better. There is no doubt communist governments had more than their share of cruel and even sociopathic leaders. **But it is unlikely that this was the decisive factor in their failure**. Very similar results arose in communist regimes with leaders who had a wide range of personalities. In the Soviet Union, it is important to remember that the main institutions of repression (including the Gulags and the secret police) were established not by Stalin, but by Vladimir Lenin, a far more “normal” person. After Lenin’s death, Stalin’s main rival for power – Leon Trotsky – advocated policies that were in some respects even more oppressive than Stalin’s own. It’s hard to avoid the conclusion that either the personality of the leader was not the main factor, or – alternatively – communist regimes tended to put horrible people to positions of power. Or perhaps some of both.

### Semiocap

#### 1. Perm do the aff then the alt- withdrawal fails without the communal mindset that Daoism fosters

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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. 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#### We have an ethical obligation to engage narratives of suffering and generate nuanced, compassionate politics in response – the alternative can’t resolve the inevitable viral circulation of images and reinforces hegemonic discourses

Wibben 15 – Associate Professor of Politics at the University of San Fransisco

(Annick T.R. “How stories matter: Thoughts on contextuality, temporality, reflexivity & certainty”, 12-29-15, http://duckofminerva.com/2015/12/how-stories-matter.html)

\*Note – “Alan” is Alan Kurdi, the Syrian Kurdish boy who drowned along with his mothe rand brother trying to cross the Aegean sea and whose photograph went viral

Alan’s death, which became known to us because someone took a picture that touched many (also because it was circulated widely), and his family’s story, brought to our attention again by Barnard’s article, has helped humanize an often unfathomable and overwhelming crisis in the Middle East and Europe for many. This is no solace to Abdullah Kurdi, whose grief is palpable in his description of himself as a shadow and whose journey since early September has lead him to repeatedly note that he’d rather have died with his family – but there is also hope in the journey of Abdullah’s brother Mohammed, who is resettling in Canada with the help of their sister Tima (Alan’s aunt), and his sister Hivrun who finally made it to Germany with her children (on the same perilous route) where she reunited with her husband. Their stories matter, just like the many others who are waiting to be told. They make it harder for us to look away and ignore how (often our own governments’) policies precipitate hardship for others. As I argue in Feminist Security Studies: A Narrative Approach (Wibben 2011), these personal narratives are also security narratives – worthy of being taken just as seriously by scholars as abstract discussions of great power strategy, arms sales, or Turkish and U.S. foreign policy interests in Syria and beyond. When we take these (personal) security narratives seriously, it becomes clear that “there is always more than one story to be told and that the ‘normality’ presented in narrative is always contextual. Narratives shift and slide” (Wibben 2011: 109). Examining the conditions of possibility for some stories to be told and circulated (and to capture our attention as Alan’s story has) is one way to take these narratives seriously – posts by Megan MacKenzie, Tiina Vaittinen, Swati Parashar, and most recently Federica Caso, all speak to this in some or another manner. While Swati and Megan worry about the dangers of adding to the circulation of some stories and reinforcing particular framings, urging more reflection and even silence, Tiina and Federica point out to that academics have a political and ethical responsibility to speak out in the face of injustice. Federica suggests that speaking also implies listening: to those we write about, to each other as scholars, and to our inner voice, as Swati urges. There is no neutral position to which one might retreat: “Politics and international politics is a dirty business… and whether we get involved through political activity or scholarly research, there is no way that we can avoid the problem of dirty hands,” writes Federica. I would like to add just a few short considerations to this conversation. For one, the stories (and images) we scholars engage (or not) are already circulating and they are intelligible through frames that are familiar to us. These frames are shaped by the contexts we find ourselves in: Hearing, seeing, listening, contemplating, and speaking all happen within a particular (temporal, spatial, personal, professional, cultural, linguistic, etc.) context. This context, or horizon (in hermeneutic terms), shapes how we understand a particular situation – how we make it meaningful to us (and, later, to others). It is important to appreciate that these horizons constantly shift as new experiences, encounters, conversations, contemplative silences, and images expand our horizons (see also Wibben 2011). What is more, we are able to deliberately seek out new experiences and attend, as much feminist scholarship continues to do, to the stories of those on the margins. Second, the contexts for understanding and meaning-making also have an important element of temporality to them. As Cynthia Enloe has urged repeatedly, a key facet of good (feminist) scholarship is to stay attentive over the long haul – when the cameras have moved on to the next story; when Abdullah Kurdi has buried his children, when his story gets questioned (and he’s accused of being a smuggler – though he wasn’t), and when he is whisked away to meetings with the rich and powerful who did not attend to his family when they were alive. As Barnard’s piece begins to outline, the circulation of Alan’s image, his aunt’s activism, and the reactions of those who (for the first time or not) saw the humanity of the refugee/ migrant attempting impossible journeys through this story, did provoke (or at least hasten) some changes. This, of course, is not the end of the story – nor is there a single story to be told here. However – unlike the media which moves from one story to the next in its frenzy to fill the 24/7/365 media cycle, academics have the luxury to be slower thinkers and writers. Those of us in (ever dwindling) privileged academic positions (possibly even enjoying tenure) are able to stay attentive over the long haul, develop deep knowledge about a region or policy issue, and delve into contexts and connections. With that, in my view, comes a responsibility to do so to the best of our ability – and to do so critically and reflexively. As I previously wrote, “how open a researcher is to engaging in (self-)reflexive research processes interrogating their own positionality and privilege, questioning its impact on what can be perceived, being willing to be surprised, and adopting a stance of curiosity – all of these matter greatly” (Wibben 2011: 110) as we tell others’ stories. Reflexivity, as the scholars featured in Researching War: Feminist Methods, Ethics & Politics (Wibben 2016) also point out, needs to start early and can be an antidote to the same old style that pervades much academic (IR) scholarship. This style, which requires that academics speak with an authoritative voice, one that conveys certainty in the face of a complex and uncertain world (and which is warranted when those in power refuse to admit certain truths), is at a disadvantage when covering the nuances of, at times seemingly inconsistent, (personal) experiences. In such a framework of certainty it does not “make sense” that Alan’s aunt Hivrun, after several previous failed attempts to cross the Aegean Sea in a dinghy and near death experiences after which she refused to try again despite her family’s pleas, would make the same perilous journey across just weeks after her nephews died there (see Barnard’s piece). Or maybe it makes perfect sense if we were to pay more attention to the challenges that mark the family’s everyday experience in Turkey? Paying attention to the personal stories, in all their complexity and with varied inconsistencies (which narratives can accommodate, see Wibben 2011), teaches us much about global politics and engaging them also makes our work more relevant to broader audiences. Additionally, thinking and writing our scholarship as stories – to be questioned, expanded, made more nuanced – provides room for a variety of others to insert skepticism, share their truths … and to continue the conversation.

#### 4. The negative challenge to “truth”, “reality” is coopted by right-wing forces – accelerates social injustice and turns the affs subjectivity claims

Wapner 2003 – professor of global environmental politics in the School of International Service at American University (Paul, “Leftist Criticism of "Nature": Environmental Protection in a Postmodern Age,” Dissent50.1: 71)

MOST OF US are familiar with rightist attacks on environmentalism. For a long time, many people on the right have faulted environmentalists for wanting to curtail free enterprise, limit private property, and abridge individual freedom in the service of environmental well-being. We are less familiar with leftist criticism. Over the past decade or so, however, some parts of the left have launched their own attacks on environmentalism, and, although these are more philosophical in character, they threaten the movement every bit as much as those coming from the right.

Leftist environmental criticism is the work of a group of postmodern intellectuals and professors. Postmodernists expose the constructed quality of those things we take for granted. They unmask the given and show that "what is" is not necessarily "meant to be," but rather is a consequence of particular decisions and socio-historical conditions. Postmodernism is a natural ally of the left in that it deconstructs existing conditions and shows that, although they may appear natural or necessary, they are really contingent; they can be changed. This is a doctrine that has helped people look critically at their society and consider the possibility of other arrangements.

Leftist critiques of environmentalism start from this same premise. They point out that our notions of nature--the nonhuman world that environmentalists care so much about--are themselves social constructions and thus subject to various interpretations, none of which can provide absolute guidance for environmental policy. We never experience nature directly but always through the lenses of our own values and assumptions. "Nature" is thus not simply a physical entity that is "out there" or given; it is an idea that takes on different meanings in different cultural contexts, a social construction that directs us to see mountains, rivers, trees, and deserts in particular ways. Raymond Williams expressed this understanding when he wrote, "The idea of nature contains, though often unnoticed, an extraordinary amount of human history." To postmodernists, "nature" is not something the mind discovers but something that it makes.

This understanding of "nature" is helpful in guarding against insensitive environmentalist projects. We often assume that everyone concerned with a particular environmental issue shares the same understanding of the problem. But this is far from being the case. When it comes to preserving wilderness areas or protecting biological diversity, one person's wilderness is another person's neighborhood. What one person values as an endangered species is potential income, a threat, or dinner to someone else. Leftist criticism has been important in reminding us that "nature" is not a single realm with a universalized meaning, but a canvas on which we project our sensibilities, our culture, and our ideas about what is socially necessary.

The postmodern argument also poses challenges for anyone concerned with environmental protection. Environmentalism is fundamentally about conserving and preserving nature. Whether one worries about climate change, loss of biological diversity, dwindling resources, or overall degradation of the earth's air, water, soil, and species, the nonhuman world is the backdrop of concern. What happens when critics call this backdrop into question? What happens when they claim that one understanding of "nature" is at odds with another and that there is no definitive way to judge which one is better? How can a movement dedicated to protecting nature operate if the very identity of its concern is in doubt?

THESE MAY seem like academic questions, but they go to the heart of environmentalism and have begun to worry even the most committed environmentalists. After scholars such as William Cronon, Timothy Luke, and J. Baird Callicott introduced "eco-criticism" to the scholarly and popular publics, various environmental activists and thinkers have struggled to articulate a response. Their inability to do so in a decisive and persuasive manner has further damaged the environmentalist position. Even more troubling, now that the critique is out of the bag, it is being co-opted by people on the right. Anti-environmentalists such as Charles Rubin and Alston Chase, for example, now claim that, if there is no such thing as "real" nature, we need not treat the nonhuman world with unqualified respect. If we think it is in our interest, we can freely choose to pave the rainforest, wipe out the last panda bear, or pump high levels of carbon dioxide into the atmosphere. What is critical to notice in both cases is that criticisms of "nature," whether they come from the left or are co-opted by the right, are playing an increasing role in structuring the confrontation between anti- and pro-environmentalists. And they are re-setting the fault lines within the environmental movement itself.

So far, there have been two responses from traditional environmentalists to postmodern eco-criticism. The first comes from those who dismiss postmodernism out of hand and simply reassert a modernist narrative of nature and its imperatives. According to activists such as Gary Snyder and Dave Foreman, eco-criticism is at odds with common sense and contemporary science. Yes, they say, there is a social dimension to how we think about nature, but nature is fundamentally a physical entity, and our understanding of it can be based on clear-eyed observation, direct experience, and scientific description. The whole notion that nature is constructed is simply intellectual sophistry practiced by those who either spend too much time indoors or who work at such high levels of abstraction that they never engage the phenomenal world. Those making this argument see postmodern attacks on nature as simply the latest manifestation of a long tradition associated with what David Ehrenfeld calls the "arrogance of humanism." Eco-criticism places human beings at the center of all phenomena and then is overly impressed with the self-referential character of human experience. Consequently, it is blind, as philosopher Albert Borgmann says, to nature's nonhuman "commanding presence."

Although many thoughtful scientists, activists, and writers take this position, and, while it remains an important response to eco-criticism, it fails to recognize the eco-critics as serious adversaries. As I have argued, leftist critiques of "nature" are compatible with broader postmodern sensibilities that currently animate much of our intellectual life. When anti-environmentalists claim that, because there is no authentic entity called "nature," we can choose to use trees, animals, canyons, and rivers as we see fit, staunch environmental modernists have little to say. They can disagree about first principles, complain about ontological and epistemological premises, but beyond this they have little to say. Simply rejecting eco-criticism and reasserting a modernist narrative doesn't reckon with the intellectual weight of contemporary attacks on "nature."

A second, more engaging, response goes in the other direction. It comes from people who agree with the critique of "nature" and, by way of response, advocate a post-nature environmentalism. Because everything we call "nature" is relative to our ideas, they argue, we should accept (indeed, embrace) our role as creators of "nature" and assume full responsibility for governing the so-called natural world. Environmentalists in this camp call for fully utilizing technology to confront environmental problems and ask that we be content with human-made landscapes and artificial substitutes for natural resources. They counsel ecological stewardship, of course, but maintain that our vision of stewardship need not be hindered by any preconceived notion of what is genuinely natural. Noting the ungrounded character of the idea of nature, Walter Truett Anderson suggests that we see ourselves for what we, in fact, are: eco-artists--designers and builders of the nonhuman world. This second response calls for dispensing with the category of nature altogether and fashioning an environmentalism along other lines of interest and concern.

The eco-artists clearly represent a position compatible with postmodern sensibilities. But dispensing with the category of "nature" means that there are no reigning guidelines for valuing one set of arrangements, or one artistic creation, over another. Yes, environmentalists favoring this second response can advocate certain environment-friendly actions, but how do they make their case? They have no ground on which to argue for this set rather than that set of ecological conditions. Certainly, their environmentalism would make most traditional environmentalists very uncomfortable. How could an Emerson, Muir, Leopold, Carson, or Brower sign on to such a viewpoint? What would it mean to be a post-nature environmentalist? Doesn't this position make a mockery of the long tradition of environmental concern?

#### 5. Communication and meaning are possible and desirable – framing speech as pure flux destroys any benefits gained from intersubjective processes of meaning in specific political contexts

Merawi 11

(Fasil, Addis Ababa University, Master’s Thesis in Philosophy, “Habermas and the Discourse of Modernity,” http://etd.aau.edu.et/bitstream/123456789/3596/3/FASIL%20MERAWI.pdf)

As Culler sees it, Derrida raised three main objections towards Searle’s speech act theory. First, any speech act can be quoted and be analyzed in another context and the idea that meaning will be the same in another context, is something fictional. Habermas criticized Derrida for failing to recognize that what Austin meant by the fixation of meaning in everyday communication and the normal use of language, is based on idealizing presuppositions that are present in every communicative action (PDM, 195-196). Second, Derrida argued that, for a normal speech act to be successfully employed, meaning needs to be arrested, and this to be done by presenting general rules and conditions under which a given utterance is to be employed and analyzed. But speech acts can have different meanings depending on the contexts. Here, Derrida speaks of ‘grafting’ i.e. that a speech act can be quoted in another context. So, the contexts are infinite and one cannot come up with a theory of the employment of speech acts specifying where and how they should be employed since meaning is contextual, and the contexts are many. Here, culler supports Derrida’s argument by claiming that even the “intentions of the speakers...are to be interpreted in different contexts.” (PDM, 197) Searle objected to Derrida’s second argument, by asserting that, what prevents flux and fluctuation of meaning is not found in what is uttered, but the general assumptions in which it is uttered. So, when using speech acts on a day to day level, participants are operating within a set of assumptions that define what something normally means and does not mean. Further, the assumptions within which speech acts occur, are not theoretical constructs that are built to arrest meaning, but necessary assumptions behind the process of communication. Finally, Derrida, against Searle argued that, it is the potential of the text to be interpreted in many ways and not our intentions and assumptions that make different interpretations possible. So, the text by itself plays a context creating function. As Habermas sees it, as long as participants in an intersubjectivist communicative process are oriented towards understanding, then meaning will not be deferred. Wrong interpretations and abnormal usages of language could be simply identified as something that hinders consensus and understanding. Idealizations that are found beyond communicative action and the fact that the various claims raised during communication are open to critique, and can be empirically tested will easily help to “distinguish between ‘usual’ and ‘parasitic’ uses of language” (PDM, 199). By ‘parasitic’, Habermas meant that the normal use of language in everyday communication is for reaching understanding. Other artistic, metaphorical and non-literal usages of language are derived from the normal usage. Further, eventhough ‘parasitic’ usages of language prevail in everyday communication; still actors are able to bypass these usages since they are oriented towards reaching understanding. By revising the Derrida/Searle debate and employing his arguments as well, Habermas believes that, he managed to defend his communicative rationality with its validity claims. In everyday communication the infinite flow of meaning, poetic and rhetoric elements are puts aside for the sake of understanding. Having done this, Habermas wants to refute the idea that there is no distinction between logic and rhetoric and that all texts can be analyzed on literary and rhetorical terms. The issue as, Habermas sees it, is the acceptance that all language contains literary and rhetorical elements, while at the same time defending philosophy and the special forms of inquiry against the domination of literary elements, and hence the viewing of their validity claims as something impure and contaminated with artistic and metaphorical elements. Habermas, claims that Derrida’s general notion of text as a mixture of Heterogeneous elements, makes him blind to the fact that in everyday communication there is the possibility to raise and defend claims in reference to the three validity claims, and that the various specialized forms of inquiry are also oriented towards solving specific problems (PDM, 205). Habermas thinks that there is an affinity between Rorty and Derrida in relation to their views on language, communicating subjects. In Rorty, the languages of the sciences and other forms of inquiries create the contexts that necessarily determine everyday communication. Further, the capacity of validity claims to challenged inherited horizons is unacknowledged. (PDM, 206) Furthermore, both Derrida and Rorty, failed to distinguish between everyday interaction in which distinct validity claims are raised, and the various forms of inquiry that are geared toward solving specific problems (PDM, 207). Derrida is accused by Habermas of failing to distinguish between how language has a capacity of making the world visible and intelligible and how it can be used to solve specific problems. So, Derrida in his general notion of a ‘text’ tried to merge all the sciences, including philosophy, criticism, art, literature and so on under one category of literature. Habermas claims that on the one hand, we have everyday world of communication based in the different validity claims, while on the other, the various specialized forms of inquiry that are geared at solving specific problems. Philosophy and literary criticism are found between the two. Literary criticism connects everyday world and the artistic realm, while philosophy, is related to the forms of inquiries in having a universalistic dimension. Philosophy facilitates disputation of claims between everyday world and specialized inquiries. (PDM, 207-208)

### Psychoanalysis

#### 1. Perm do both- the aff embraces the death drive by realizing that we have temporal unproductive desires BUT our alt is better at solving them since we’ve identified desires that are worth preserving

#### 2. Perm do both- Psychoanalysis sidetracks us with irrelevant details and incidents and causes the analysand to become more passive, avoidant, and disturbed- the aff is key to recentralize demands around realistic politics

Albert **Ellis**, 20**02**, American psychologist and psychotherapist who founded Rational Emotive Behavior Therapy. He held MA and PhD degrees in clinical psychology from Columbia University, and was certified by the American Board of Professional Psychology. "Psychiatric Opinion, Vol. 5, No. 1" Albert Ellis Institute, https://psychology.ws/Is\_Psychoanalysis\_Harmful.pdf

Probably the greatest harm that psychoanalysis does is its tendency to sidetrack clients from what they had better do to improve and to give them a “good” excuse not to work hard at helping themselves. What disturbed people preferably should do is fairly simple (although it is not at all easy); namely, to understand precisely what are the self-defeating irrational ideas they firmly believe and to vigorously contradict them, both verbally and actively. Thus one of the main senseless notions they usually hold is, “Unless I am remarkably competent and popular, and unless I am superior to others, I am rather worthless as an individual.” They can strongly contradict this philosophy by asking themselves, ‘Why am I no good just because many of my performances are poor? Where is the evidence that I cannot accept myself if others do not like me? How is my self-acceptance really dependent on external criteria?” And they can actively work against their self-defeating attitudes by performing, even when they may not do very well; by risking social disapproval when they want to achieve a desired goal; and by experimenting with potentially enjoyable pursuits in spite of the possibilities of failure and rejection. Psychoanalysis sidetracks health-seeking individuals verbally by encouraging them to concentrate on innumerable irrelevant events and ideas: such as what happened during their early years, how they came to have an Oedipus complex, the pernicious influence of their unloving parents, what are the meanings of their dreams, how all-important are their relations with the analyst, how much they now unconsciously hate their mates, etc. These may all be interesting pieces of information about clients. But they not only do not reveal, they often seriously obscure, their basic irrational philosophies that originally caused, and that still instigate, their dysfunctional feelings and behaviors. Being mainly diagnostic and psychodynamic, analysis is practically allergic to philosophy, and therefore often never gets around to the basic ideological assumptions and value systems with which humans largely create their symptoms. To make matters much worse, psychoanalysis is essentially a talky, passive, insight-seeking process which encourages clients mainly to lie on their spine or sit on their behinds in order to get better. Sensible unorthodox analysts frequently supplement this passive procedure by giving advice, directing the clients to do something, helping them change their environment, etc.; but they do so against psychoanalytic theory, which stoutly insists that they do otherwise. Meanwhile, the poor analysands, who probably have remained disturbed for most of their lives largely because they will not get off their asses and take risk after risk, are firmly encouraged, by the analytic procedure and by the non-directive behavior of the analyst, to continue their avoidant behavior. They now, moreover, have the excuse that they are “actively” trying to help themselves by being analyzed; but this, of course, is a delusion if anything like classical procedures are being followed; and they consequently tend to become more passive, and possibly even more disturbed, than before.

#### 3. It’s wrong – unfalsifiable, unscientific, generalizations, research bias, and lack of empirics- even if they have done studies it can’t prove anything

Robert Bud and Mario Bunge 10 {Robert Bud is principal curator of medicine at the Science Museum in London. 9-29-2010. “Should psychoanalysis be in the Science Museum?” [https://www.newscientist.com/article/mg20827806-200-should-psychoanalysis-be-in-the-science-museum/}//JM](https://www.newscientist.com/article/mg20827806-200-should-psychoanalysis-be-in-the-science-museum/%7d//JM) (link credit to EM)

WE SHOULD congratulate the Science Museum for setting up an exhibition on psychoanalysis. Exposure to pseudoscience greatly helps understand genuine science, just as learning about tyranny helps in understanding democracy. Over the past 30 years, psychoanalysis has quietly been displaced in academia by scientific psychology. But it persists in popular culture as well as being a lucrative profession. It is the psychology of those who have not bothered to learn psychology, and the psychotherapy of choice for those who believe in the power of immaterial mind over body. Psychoanalysis is a bogus science because its practitioners do not do scientific research. When the field turned 100, a group of psychoanalysts admitted this gap and endeavoured to fill it. They claimed to have performed the first experiment showing that patients benefited from their treatment. Regrettably, they did not include a control group and did not entertain the possibility of placebo effects. Hence, their claim remains untested (The International Journal of Psychoanalysis, vol 81, p 513). More recently, a meta-analysis published in American Psychologist (vol 65, p 98) purported to support the claim that a form of psychoanalysis called psychodynamic therapy is effective. However, once again, the original studies did not involve control groups. In 110 years, psychoanalysts have not set up a single lab. They do not participate in scientific congresses, do not submit their papers to scientific journals and are foreign to the scientific community - a marginality typical of pseudoscience. This does not mean their hypotheses have never been put to the test. True, they are so vague that they are hard to test and some of them are, by Freud's own admission, irrefutable. Still, most of the testable ones have been soundly refuted. For example, most dreams have no sexual content. The Oedipus complex is a myth; boys do not hate their fathers because they would like to have sex with their mothers. The list goes on. As for therapeutic efficacy, little is known because psychoanalysts do not perform double-blind clinical trials or follow-up studies. Psychoanalysis is a pseudoscience. Its concepts are woolly and untestable yet are regarded as unassailable axioms. As a result of such dogmatism, psychoanalysis has remained basically stagnant for more than a century, in contrast with scientific psychology, which is thriving.

### Afropessimism

#### 1. Perm do the aff then the alt- radicalism fails without the communal mindset that Daoism fosters and the k solves back for institutional violence like the criminal justice system, and everyday racism

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

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

#### 2. double-bind: EITHER doing the alternative will be strong enough to overcome the residual links to one instance of the plan, OR it will be too weak to overcome the status quo.

#### 3. Chad

Desires are controlled by the system- without an affirmation of forgetting those desires- the aff- the neg falls prey to them

Implications

1. The aff is key since without a daoist reformation desire systems destroy any attempt they’ll make at the alt
2. Their ontology claims are false since gratuitous violence is created by desire systems operated by the elite- they make these systems to perpetuate their own power

#### 4. Ames and Hall Habit Forming

Deferential disposition prioritizes habit forming- superior movement building method since it maximizes accessibility

Implication- any movement building offense flows aff because we structurally make justice movements realistic

#### 5. Neurological, racial bias is flexible and determined by coalitional habit forming in the brain---orienting groups around institutional habit-based change best breaks down bias. This is offense because their theory rejects these solutions.

Cikara and Van Bavel 15. (Mina Cikara is an Assistant Professor of Psychology and Director of the Intergroup Neuroscience Lab at Harvard University. Her research examines the conditions under which groups and individuals are denied social value, agency, and empathy. Jay Van Bavel is an Assistant Professor of Psychology and Director of the Social Perception and Evaluation Laboratory at New York University. The Flexibility of Racial Bias: Research suggests that racism is not hard wired, offering hope on one of America’s enduring problems. June 2, 2015. <https://www.scientificamerican.com/article/the-flexibility-of-racial-bias/>)

The city of Baltimore was rocked by protests and riots over the death of Freddie Gray, a 25-year-old African American man who died in police custody. Tragically, Gray’s death was only one of a recent in a series of racially-charged, often violent, incidents. On April 4th, Walter Scott was fatally shot by a police officer after fleeing from a routine traffic stop. On March 8th, Sigma Alpha Epsilon fraternity members were caught on camera gleefully chanting, “There Will Never Be A N\*\*\*\*\* In SAE.” On March 1st, a homeless Black man was shot in broad daylight by a Los Angeles police officer. And these are not isolated incidents, of course. Institutional and systemic racism reinforce discrimination in countless situations, including hiring, sentencing, housing, and even mortgage lending. It would be easy to see in all this powerful evidence that racism is a permanent fixture in America’s social fabric and even, perhaps, an inevitable aspect of human nature. Indeed, the mere act of labeling others according to their age, gender, or race is a reflexive habit of the human mind. Social categories, like race, impact our thinking quickly, often outside of our awareness. Extensive research has found that these implicit racial biases—negative thoughts and feelings about people from other races—are automatic, pervasive, and difficult to suppress. Neuroscientists have also explored racial prejudice by exposing people to images of faces while scanning their brains in fMRI machines. Early studies found that when people viewed faces of another race, the amount of activity in the amygdala—a small brain structure associated with experiencing emotions, including fear—was associated with individual differences on implicit measures of racial bias. This work has led many to conclude that racial biases might be part of a primitive—and possibly hard-wired—neural fear response to racial out-groups. There is little question that categories such as race, gender, and age play a major role in shaping the biases and stereotypes that people bring to bear in their judgments of others. However, research has shown that how people categorize themselves may be just as fundamental to understanding prejudice as how they categorize others. When people categorize themselves as part of a group, their self-concept shifts from the individual (“I”) to the collective level (“us”). People form groups rapidly and favor members of their own group even when groups are formed on arbitrary grounds, such as the simple flip of a coin. These findings highlight the remarkable ease with which humans form coalitions. Recent research confirms that coalition-based preferences trump race-based preferences. For example, both Democrats and Republicans favor the resumes of those affiliated with their political party much more than they favor those who share their race. These coalition-based preferences remain powerful even in the absence of the animosity present in electoral politics. Our research has shown that the simple act of placing people on a mixed-race team can diminish their automatic racial bias. In a series of experiments, White participants who were randomly placed on a mixed-race team—the Tigers or Lions—showed little evidence of implicit racial bias. Merely belonging to a mixed-race team trigged positive automatic associations with all of the members of their own group, irrespective of race. Being a part of one of these seemingly trivial mixed-race groups produced similar effects on brain activity—the amygdala responded to team membership rather than race. Taken together, these studies indicate that momentary changes in group membership can override the influence of race on the way we see, think about, and feel toward people who are different from ourselves. Although these coalition-based distinctions might be the most basic building block of bias, they say little about the other factors that cause group conflict. Why do some groups get ignored while others get attacked? Whenever we encounter a new person or group we are motivated to answer two questions as quickly as possible: “is this person a friend or foe?” and “are they capable of enacting their intentions toward me?” In other words, once we have determined that someone is a member of an out-group, we need to determine what kind? The nature of the relations between groups—are we cooperative, competitive, or neither?—and their relative status—do you have access to resources?—largely determine the course of intergroup interactions. Groups that are seen as competitive with one’s interests, and capable of enacting their nasty intentions, are much more likely to be targets of hostility than more benevolent (e.g., elderly) or powerless (e.g., homeless) groups. This is one reason why sports rivalries have such psychological potency. For instance, fans of the Boston Red Sox are more likely to feel pleasure, and exhibit reward-related neural responses, at the misfortunes of the archrival New York Yankees than other baseball teams (and vice versa)—especially in the midst of a tight playoff race. (How much fans take pleasure in the misfortunes of their rivals is also linked to how likely they would be to harm fans from the other team.) Just as a particular person’s group membership can be flexible, so too are the relations between groups. Groups that have previously had cordial relations may become rivals (and vice versa). Indeed, psychological and biological responses to out-group members can change, depending on whether or not that out-group is perceived as threatening. For example, people exhibit greater pleasure—they smile—in response to the misfortunes of stereotypically competitive groups (e.g., investment bankers); however, this malicious pleasure is reduced when you provide participants with counter-stereotypic information (e.g., “investment bankers are working with small companies to help them weather the economic downturn). Competition between “us” and “them” can even distort our judgments of distance, making threatening out-groups seem much closer than they really are. These distorted perceptions can serve to amplify intergroup discrimination: the more different and distant “they” are, the easier it is to disrespect and harm them. Thus, not all out-groups are treated the same: some elicit indifference whereas others become targets of antipathy. Stereotypically threatening groups are especially likely to be targeted with violence, but those stereotypes can be tempered with other information. If perceptions of intergroup relations can be changed, individuals may overcome hostility toward perceived foes and become more responsive to one another’s grievances. The flexible nature of both group membership and intergroup relations offers reason to be cautiously optimistic about the potential for greater cooperation among groups in conflict (be they black versus white or citizens versus police). One strategy is to bring multiple groups together around a common goal. For example, during the fiercely contested 2008 Democratic presidential primary process, Hillary Clinton and Barack Obama supporters gave more money to strangers who supported the same primary candidate (compared to the rival candidate). Two months later, after the Democratic National Convention, the supporters of both candidates coalesced around the party nominee—Barack Obama—and this bias disappeared. In fact, merely creating a sense of cohesion between two competitive groups can increase empathy for the suffering of our rivals. These sorts of strategies can help reduce aggression toward hostile out-groups, which is critical for creating more opportunities for constructive dialogue addressing greater social injustices. Of course, instilling a sense of common identity and cooperation is extremely difficult in entrenched intergroup conflicts, but when it happens, the benefits are obvious. Consider how the community leaders in New York City and Ferguson responded differently to protests against police brutality—in NYC political leaders expressed grief and concern over police brutality and moved quickly to make policy changes in policing, whereas the leaders and police in Ferguson responded with high-tech military vehicles and riot gear. In the first case, multiple groups came together with a common goal—to increase the safety of everyone in the community; in the latter case, the actions of the police likely reinforced the “us” and “them” distinctions. Tragically, these types of conflicts continue to roil the country. Understanding the psychology and neuroscience of social identity and intergroup relations cannot undo the effects of systemic racism and discriminatory practices; however, it can offer insights into the psychological processes responsible for escalating the tension between, for example, civilians and police officers. Even in cases where it isn’t possible to create a common identity among groups in conflict, it may be possible to blur the boundaries between groups. In one recent experiment, we sorted participants into groups—red versus blue team—competing for a cash prize. Half of the participants were randomly assigned to see a picture of a segregated social network of all the players, in which red dots clustered together, blue dots clustered together, and the two clusters were separated by white space. The other half of the participants saw an integrated social network in which the red and blue dots were mixed together in one large cluster. Participants who thought the two teams were interconnected with one another reported greater empathy for the out-group players compared to those who had seen the segregated network. Thus, reminding people that individuals could be connected to one another despite being from different groups may be another way to build trust and understanding among them. A mere month before Freddie Gray died in police custody, President Obama addressed the nation on the 50th anniversary of Bloody Sunday in Selma: “We do a disservice to the cause of justice by intimating that bias and discrimination are immutable, or that racial division is inherent to America. To deny…progress – our progress – would be to rob us of our own agency; our responsibility to do what we can to make America better." The president was saying that we, as a society, have a responsibility to reduce prejudice and discrimination. These recent findings from psychology and neuroscience indicate that we, as individuals, possess this capacity. Of course this capacity is not sufficient to usher in racial equality or peace. Even when the level of prejudice against particular out-groups decreases, it does not imply that the level of institutional discrimination against these or other groups will necessarily improve. Ultimately, only collective action and institutional evolution can address systemic racism. The science is clear on one thing, though: individual bias and discrimination are changeable. Race-based prejudice and discrimination, in particular, are created and reinforced by many social factors, but they are not inevitable consequences of our biology**.** Perhaps understanding how coalitional thinking impacts

#### 6. Reducing black people to fungible bodies and reading their experiences through pain creates the worst form of depoliticization – not only do they disregard black agency and resistance, they further perpetuate a narrative of white domination

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Second only to a desire for increased diversity, better mental health services were a chief priority for student protesters. Activists framed their concerns and grievances in the language of personal trauma. We shouldn’t be surprised. While every generation of black Americans has experienced unrelenting violence, this is the first one compelled to witness virtually all of it, to endure the snuffing out of black lives in real time, looped over and over again, until the next murder knocks it off the news. **We are also talking about a generation that has lived through two of the longest wars in U.S. history, raised on a culture of spectacle where horrific acts of violence are readily available** on their smartphones. What Henry **Giroux insightfully identifies as an addiction does nothing to inure or desensitize young people to violence**. On the contrary, it anchors violence in their collective consciousness, produces fear and paranoia – wrapped elegantly in thrill – and shrouds the many ways capitalism, militarism, and racism are killing black and brown people. So **one can easily see why the language of trauma might appeal to black students. Trauma is real; it is no joke**. Mental health services and counseling are urgently needed. **But reading black experience through trauma can easily slip into thinking of ourselves as victims and objects rather than agents, subjected to centuries of gratuitous violence that have structured and overdetermined our very being**. In the argot of our day, “**bodies” – vulnerable and threatening bodies – increasingly stand in for actual people with names, experiences, dreams, and desires**. I suspect that the popularity of Ta-Nehisi Coates’s Between the World and Me (2015), especially among black college students, rests on his singular emphasis on fear, trauma, and the black body. He writes: “In America, it is traditional to destroy the black body—it is heritage. Enslavement was not merely the antiseptic borrowing of labor—it is not so easy to get a human being to commit their body against its own elemental interest. And so enslavement must be casual wrath and random manglings, the gashing of heads and brains blown out over the river as the body seeks to escape. It must be rape so regular as to be industrial. . . . The spirit and soul are the body and brain, which are destructible—that is precisely why they are so precious. And the soul did not escape. The spirit did not steal away on gospel wings.” **Coates** implies that the person is the brain, and the brain just another organ to be crushed with the rest of the body’s parts. Earlier in the book, he **makes the startling declaration that enslaved people “knew nothing but chains.**” **I do not deny the violence Coates so eloquently describes** here, and I am sympathetic to his atheistic skepticism. **But what sustained enslaved African people was a memory of freedom, dreams of seizing it, and conspiracies to enact it** – fugitive planning, if you will. **If we reduce the enslaved to mere fungible bodies, we cannot possibly understand how they created families, communities, sociality; how they fled and loved and worshiped and defended themselves; how they created the world’s first social democracy.** “Trauma is real. But **reading black experience through trauma can lead to thinking of ourselves as victims rather than agents.”** Moreover, **to identify anti-black violence as heritage may be true in a general sense, but it obscures the dialectic that produced and reproduced the violence of a regime dependent on black life for its profitability**. **It was, after all, the resisting black body that needed “correction**.” Violence was used not only to break bodies but to discipline people who refused enslavement. And the impulse to resist is neither involuntary nor solitary. **It is a choice made in community, made possible by community, and informed by memory, tradition, and witness. If Africans were entirely compliant and docile, there would have been no need for vast expenditures on corrections, security, and violence. Resistance is our heritage.** And **resistance is our healing**. Through collective struggle, **we alter our circumstances; contain, escape, or possibly eviscerate the source of trauma; recover our bodies; reclaim and redeem our dead; and make ourselves whole.** It is difficult to see this in a world where words such as trauma, PTSD, micro-aggression, and triggers have virtually replaced oppression, repression, and subjugation. Naomi Wallace, a brilliant playwright whose work explores trauma in the context of race, sexuality, class, war, and empire, muses: “Mainstream America is less threatened by the ‘trauma’ theory because it doesn’t place economic justice at its core and takes the focus out of the realm of justice and into psychology; out of the streets, communities, into the singular experience (even if experienced in common) of the individual.” Similarly, George Lipsitz observes that **emphasizing “interiority,” personal pain, and feeling elevates “the cultivation of sympathy over the creation of social justice.” This is partly why demands for reparations to address historical and ongoing racism are so antithetical to modern liberalism.** “**Through collective struggle, we alter our circumstances; contain, escape, or possibly eviscerate the source of trauma**.” **Managing trauma does not require dismantling structural racism,** which is why university administrators focus on avoiding triggers rather than implementing zero-tolerance policies for racism or sexual assault. Buildings will be renamed and safe spaces for people of color will be created out of a sliver of university real estate, but proposals to eliminate tuition and forgive student debt for the descendants of the dispossessed and the enslaved will be derided as absurd. This is also why diversity and cultural-competency training are the most popular strategies for addressing campus racism. As if racism were a manifestation of our “incompetent” handling of “difference.” If we cannot love the other, we can at least learn to hear, respect, understand, and “tolerate” her. Cultural competency also means reckoning with white privilege, coming to terms with unconscious bias and the myriad ways white folks benefit from current racial arrangements. Powerful as this might be, the solution to racism still is shifted to the realm of self-help and human resources, resting on self-improvement or the hiring of a consultant or trainer to help us reach our goal. Cultural-competency training, greater diversity, and demands for multicultural curricula represent both a resistance to and manifestation of our current “postracial” moment. In Are We All Postracial Yet? (2015), David Theo Goldberg correctly sees postracialism as a neoliberal revision of multicultural discourse, whose proposed remedies to address racism would in fact resuscitate late-century multiculturalism. But why hold on to the policies and promises of multiculturalism and diversity, especially since they have done nothing to dislodge white supremacy? Indeed I want to suggest that the triumph of multiculturalism marked a defeat for a radical anti-racist vision. True, multiculturalism emerged in response to struggles waged by the Black Freedom movement and other oppressed groups in the 1960s and ’70s. But the programmatic adoption of diversity, inclusion, and multiculturalism vampirized the energy of a radical movement that began by demanding the complete transformation of the social order and the eradication of all forms of racial, gender, sexual, and class hierarchy. The point of liberal multiculturalism was not to address the historical legacies of racism, dispossession, and injustice but rather to bring some people into the fold of a “society no longer seen as racially unjust.” What did it bring us? Black elected officials and black CEOs who helped manage the greatest transfer of wealth to the rich and oversee the continued erosion of the welfare state; the displacement, deportation, and deterioration of black and brown communities; mass incarceration; and planetary war. We talk about breaking glass ceilings in corporate America while building more jail cells for the rest. The triumph of liberal multiculturalism also meant a shift from a radical anti-capitalist critique to a politics of recognition. This means, for example, that we now embrace the right of same-sex couples to marry so long as they do not challenge the institution itself, which is still modeled upon the exchanging of property; likewise we accept the right of people of color, women, and queer people to serve in the military, killing and torturing around the world. “I want to suggest that the triumph of multiculturalism marked a defeat for a radical anti-racist vision.” At the same time, contemporary calls for cultural competence and tolerance reflect neoliberal logic by emphasizing individual responsibility and suffering, shifting race from the public sphere to the psyche. The postracial, Goldberg writes, “renders individuals solely accountable for their own actions and expressions, not for their group’s.” Tolerance in its multicultural guise, as Wendy Brown taught us, is the liberal answer to managing difference but with no corresponding transformation in the conditions that, in the first place, marked certain bodies as suspicious, deviant, abject, or illegible. Tolerance, therefore, depoliticizes genuine struggles for justice and power: **Depoliticization involves construing inequality, subordination, marginalization, and social conflict, which all require political analysis and political solutions, as personal and individual, on the one hand, or as natural, religious, or cultural on the other.** Tolerance works along both vectors of depoliticization – it personalizes and it naturalizes or culturalizes – and sometimes it intertwines them. But **how can we embrace our students and acknowledge their pain while remaining wary of a culture that reduces structural oppression to misunderstanding and psychology**? Love, Study, Struggle Taped inside the top drawer of my desk is a small scrap of paper with three words scrawled across it: “**Love, Study, Struggle**.” It serves as a daily reminder of what I am supposed to be doing. **Black study and resistance must begin with love.** James Baldwin understood love-as-agency probably better than anyone. For him it meant to love ourselves as black people; it meant making love the motivation for making revolution; it meant **envisioning a society where everyone is embraced, where there is no oppression, where every life is valued – even those who may once have been our oppressors**. It did not mean seeking white people’s love and acceptance or seeking belonging in the world created by our oppressor. In The Fire Next Time (1963), he is unequivocal: “I do not know many Negroes who are eager to be ‘accepted’ by white people, still less to be loved by them; they, the blacks, simply don’t wish to be beaten over the head by the whites every instant of our brief passage on this planet.” But here is the catch: if we are committed to genuine freedom, we have no choice but to love all. To love all is to fight relentlessly to end exploitation and oppression everywhere, even on behalf of those who think they hate us. This was Baldwin’s point – perhaps his most misunderstood and reviled point. **To love this way requires relentless struggle, deep study, and critique**. **Limiting our ambit to suffering, resistance, and achievement is not enough**. **We must go to the root – the historical, political, social, cultural, ideological, material, economic root – of oppression in order to understand its negation, the prospect of our liberation**. Going to the root illuminates what is hidden from us, largely because most structures of oppression and all of their various entanglements are simply not visible and not felt. For example, **if we argue that state violence is merely a manifestation of anti-blackness because that is what we see and feel, we are left with no theory of the state and have no way of understanding racialized police violence in places such as Atlanta and Detroit, where most cops are black, unless we turn to some metaphysical explanation.** For my generation, the formal classroom was never the space for deep critique precisely because it was not a place of love. The classroom was – and still is – a performative space, where faculty and students compete with each other. Through study groups, we created our own intellectual communities held together by principle and love, though the specters of sectarianism, ego, and just-plain childishness blurred our vision and threatened our camaraderie. Still, the political study group was our lifeblood – both on and off campus. We lived by Karl Marx’s pithy 1844 statement: “But if the designing of the future and the proclamation of ready-made solutions for all time is not our affair, then we realize all the more clearly what we have to accomplish in the present – I am speaking of a ruthless criticism of everything existing, ruthless in two senses: The criticism must not be afraid of its own conclusions, nor of conflict with the powers that be.” “If we argue that state violence is merely a manifestation of anti-blackness because that is what we see and feel, we are left with no theory of the state and have no way of understanding racialized police violence.” Study groups introduced me to C. L. R. James, Frantz Fanon, Walter Rodney, Barbara Smith, Angela Davis, Karl Marx, Friedrich Engels, Vladimir Lenin, Chancellor Williams, George E. M. James, Shulamith Firestone, Kwame Nkrumah, Kwame Turé, Rosa Luxemburg, Antonio Gramsci, Chinweizu Ibekwe, Amílcar Cabral, and others. These texts were our sources of social critique and weapons in our class war on the bourgeois canon. As self-styled activist-intellectuals, it never occurred to us to refuse to read a text simply because it validated the racism, sexism, free-market ideology, and bourgeois liberalism against which we railed. Nothing was off limits. On the contrary, delving into these works only sharpened our critical faculties. Love and study cannot exist without struggle, and struggle cannot occur solely inside the refuge we call the university. Being grounded in the world we wish to make is fundamental. As I argued in Freedom Dreams nearly fifteen years ago, “Social movements generate new knowledge, new theories, new questions. **The most radical ideas often grow out of a concrete intellectual engagement with the problems of aggrieved populations confronting systems of oppression.”** Ironically I wrote these words with my students in mind, many of whom were involved in campus struggles, feeling a bit rudderless but believing that the only way to make themselves into authentic activists was to leave the books and radical theories at home or in their dorms. The undercommons offers students a valuable model of study that takes for granted the indivisibility of thought and struggle, not unlike its antecedent, the Mississippi Freedom Schools.

### Queerpess

#### 1. Perm do the aff then the alt- radicalism fails without the communal mindset that Daoism fosters and the k solves back for institutional queerphobic violence

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

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

#### 2. double-bind: EITHER doing the alternative will be strong enough to overcome the residual links to one instance of the plan, OR it will be too weak to overcome the status quo.

#### 3. Chad

Desires are controlled by the system- without an affirmation of forgetting those desires the neg falls prey to them- that means the alt can’t solve

#### 4. Ames and Hall Habit Forming

Deferential disposition prioritizes habit forming- superior movement building method since it maximizes accessibility that means any movement building offense flows aff because we structurally make justice movements realistic

#### 5. The negative engages in a politics of state-phobia that must be rejected – it’s based on the universalization of European history with the state, which maintains the colonizing gesture of applying European standards everywhere and independently misreads the position of the state

Dhawan, 2015

(Nikita, professor of political science at the University of Innsbruck, “Homonationalism and state-phobia: The post-colonial predicament of queering modernities,” accessed via Academia.edu, DL)

One of my main difficulties with current politics of anti-homonationalism and pink-watching is their rejection of any engagement with the state, which is censured as a form of co-option and appeasement. They almost seem to oppose the political agenda of providing non-normative sexualities with social recognition and legal protection through rights and policies, because this would mean acknowledging the existence of other forms of violence that are not reducible to Western racism and imperialism even as they are not entirely disconnected from them. This form of anti-statism denies others some of the protections postcolonial queers enjoy on the privileged side of transnationality, who live in states where homosexuality has been decriminalized. Anyone who addresses the issue of homophobia in minority cultures is simply racist and any talk of homophobic violence causes trouble for sexual minorities in their communities or countries. Anyone who supports ideals of equality, freedom, or emancipation is labeled ‘Western’ or functions as a trophy for liberal and conservative forces. My response to this position is that they do not take the consequences of colonialism seriously if they think decolonization is simply circumventing the legacies of modernity and the language of rights, equality, freedom and emancipation. While theorists like Puar rightly draw on Foucault to unpack how non-normative sexualities are deployed in the biopolitical production of different populations in relation to one another, namely, how European queers are constituted in terms of requiring protection from the threat of homophobic migrants at home and regressive Muslim cultures elsewhere. At the same time, one of my primary objects against Puar and the politics of anti-homonationalism is that they tend to dehistoricize, demonize and essentialize the state reducing it to its penal functions. In her discussions of Israeli ‘pink-washing’ or decriminalization of homosexuality in India, Puar gives the impression ‘as if ’ there is no difference between the US and Germany, or between Israel and India. This dangerously disregards Foucault’s critique of state-phobia in his governmentality lectures, where he simultaneously targets Marxists, ultra-left radicals, liberals, neo-liberals, which consider the state as predator that must be contained and ‘defanged’ (refer to Dhawan 2013). Rejecting Nietzsche’s image of the state as the ‘coldest of all cold monsters’, Foucault views the state an effect rather than cause of governmental practices and rationalities. Foucault’s historical investigations unfold how the experience with fascism und totalitarianism during National Socialism and Stalinism led to the rise of state-phobia in Europe. In order to reconfigure the relation between government and society, the subsequent efforts sought to replace the despotic state or police state through rule of law and constitutional state. According to Foucault, since the late 1970s anti-statism rapidly became the basis of liberal and left politics in the form of critique of securitization and repressive apparatus. This translated for instance into uncritical solidarity with soviet dissidents. Both amongst the liberals as well as amongst the left, the idea of state as threat gained traction, particularly in the context of fear of atomic war. Foucault problematizes the state-phobia of liberal as well as left politics, in that they fail to distinguish between administrative state, welfare state, bureaucratic state, fascist state and totalitarian state. He distances himself from such an inflationary form of liberal and left state- phobia. In contrast Foucault understands the state as ‘the mobile effect of a regime of multiple governmentalities’ that overlap, but also contradict each other (2008: 77). This dynamic and ambivalent function of the state is dangerously ignored by scholars like Puar, whose critique of the state gravitates towards state-phobia in that every attempt by queer individuals and groups to negotiate with the state is denounced as homonationalism. One must bear in mind that there is a very fine line between critique of the state and state-phobia and anti-statism. The latter is marked by a deep distrust of state institutions per se. As Foucault compellingly argues, state-phobia forms a foundational premise for the emergence of neoliberal governmentality and conflates critique of state and critique of domination, with the state being characterized as the origin of all violence. The challenge for postcolonial queer theory is to formulate critique of the state and critique of hegemonic heteronormativity without reproducing state-phobia. Finally liberal and left state-phobia is informed by a Eurocentrism, in that a particular, specific European experience with fascism is universalized thereby erasing different historical processes of state-formation and state-building in postcolonial contexts. Puars critique of USA, Israel und India homogenizes very diverse anti-discrimination policies and laws simply as politics of appeasement. This approach is risky in its simplicity. Interestingly states like Saudi Arabia or Mauritania, where homosexual acts are punishable with death penalty are spared in Puar’s writings. Moreover, she equates the provisional decriminalization of same sex acts in India and invalidation of sodomy laws in USA as examples of homonationalism, discounting the differences between two very different historical and regional contexts. The two legal reforms are a result of complex social and legal struggles that produce ambivalent and diverse effects, which are questionably disregarded. If Europe universalized its norms and epistemologies through colonialism, then decolonization is incomplete without the deuniversalization and provincialization of Euro-American experiences and politics. This would entail a nuanced historical analysis of diverse configurations. In this context the specific German experience with fascism and totalitarianism must not be imposed seamlessly on post- colonial contexts to promote a transnational state-phobic queer politics. This would be disastrous.

#### 6. A destruction of the state forces queer people to turn to even less accountable forces for protection.

Dhawan, 2015

(Nikita, prof of poli sci at the University of Innsbruck, “Homonationalism and state-phobia: The post-colonial predicament of queering modernities,” accessed via Academia.edu, DL)

As Foucault himself warns state-phobia is deeply inscribed in liberal and neo-liberal ideas of civil society. The wickedness of the state is juxtaposed against the inherent goodness of civil society, so that the aim is the ‘whithering away of the state’. This anti-state-centric approach to political power locates radical politics in extra-state space of innovation. This is why Puar and others reject pragmatic politics of same-sex marriage or anti-discrimination legislations. In contrast they support civil society campaigns like pink-watching that increasingly deploy the strategy of surveillance for shaming states into good behavior. Even as one critiques the harnessing of gender and sexuality by neo-liberal capitalism, the rejection of all feminist- queer politics oriented towards the state as part of a biopolitical agenda is disingenuous state-phobic rhetoric. Postcolonial-queer-feminists are caught in an ambivalent, double-bind vis-à-vis the state: On the one hand, the state has historically been the source of violence and repression through the criminalization and pathologization of non-normative sexual practices. And yet, queer strategies seek to instrumentalize the state to promote sexual justice. Even as the state is known to perpetuate heteronormative ideologies, which are founding myths of nations, the hope is that the state can function as a site of redress of gender and sexual inequality. Despite the problematic track-record with regard to sexual politics of all nation-states, whether European or non-European, it is dangerous to disregard the immense political implications of state-phobic positions, which are increasingly popular in radical discourses in the West. As the recent re-criminalization of homosexuality in Uganda, India and Nigeria demonstrate, negotiations with state are indispensable and imperative for emancipatory queer politics in the global South. This is not a plea for statism; rather, one must be aware of the dangers of the replacement of state with non-state actors as motors of justice. Against this background, the recent anti-statist stance within postcolonial queer scholarship is alarming, as it ignores the importance of the state for those citizens who do not have access to transnational counterpublic spheres to address their grievances. Decolonization, whether in USA, Israel or India, cannot be achieved merely through a strategy of shaming the state. Rather in the Gramscian- Spivakian sense, it is imperative to enable vulnerable disenfranchised individuals and groups to access the state (Dhawan 2013). Accordingly, instead of a for or against position vis-à-vis the state, the more challenging question is how to reconfigure the state, given that its institutions and policies are the mobile effect of a regime of multiple governmentalities. Thus the challenge is how to pursue a non-statephobic queer politics that at the same time neither rationalizes the biopolitical state project nor makes the queer bodies governable. In postcolonial contexts, the state is like a pharmakon, namely, both poison and medicine. Postcolonial queer politics must explore strategies of converting poison into counterpoison (Spivak 2007: 71). Herein the ambivalent function of the state must be addressed. As Pharmakon, the inherent condradictions must be engaged with: Violence and justice, ideology and emancipation, law and discipline. If, following Foucault, the state has no stable essence, then it is marked by undecidability or doubleness. The sole focus on the negative aspects of the Pharmakon, namely the destructive and repressive traits, neutralizes and ignores the enabling and empowering aspects. Thus postcolonial-queer-feminist politics must transform poison into remedy and formulate critique of the state beyond state-phobia. A challenging task, but anything else would be too risky!

### Exhaustion Ks

#### 1. Permutation- do the aff and make \_\_\_ people immune to laws- they’ll say it’s severance a- we never said we forced \_\_\_ people to do the aff and b- severance perms on exhaustion ks good- otherwise they could specify any tiny minority and get a link which would make it impossible to affirm

#### 2. Permutation do both- The aff doesn’t impose restrictions, it removes them- the plan is literally about changing property so that there doesn’t’ need to be as much interaction with the government

#### 3. Prefer fluid theories of power with \_\_\_ people- lets us continuously analyze movements and prevent them from turning bad- ie Marxists got wayyy more ableist after the revolution but their static theory of power prevented them from recognizing reforms

### Ks of Humanism

#### 1. Daoism isn’t humanist, you’re not reading its metaphysics properly

Goodfield 11, Eric Goodfield, Wu Wei East and West: Humanism and Anti-Humanism in Daoist and Enlightenment Political Thought, Theoria: A Journal of Social and Political Theory, March 2011, 12-8-2021,​​​ Eric Lee Goodfield is an Assistant Professor with AUB’s Civilization Studies Program and the Department of Political Studies and Public Administration. His recent book Hegel and the Metaphysical Frontiers of Political Theory came out with Routledge in 2014. His research interests include non-Western/comparative political thought, the history of philosophy, and modern and contemporary political philosophy.  A former Fulbright Fellow, Eric has previously taught in Korea, Thailand, Armenia, Kyrgyzstan, Egypt, and Germany. r0w@n

In addition to this divergence from its Enlightenment other, theDDJ appears to be a staunchly anti-progressive document as well:there is simply no mastery to be won for humanistic purposes. Inaccord with its anti-humanist approach, notions of progress are under-stood as retrogressive. Going ahead means upsetting what ‘is’ such that we are taken further away from where being is situated: the here and now in its fullness. The quiescent passivity of the observant rulerin Wu wei backing away from the natural course of things sees to it that all ‘are’. Without laws imposed by the greatest power of the state,and opting for the minimal set there is no need for a system of civil laws in order to regulate everyday grievances. The ever-present rule of heaven's is the ultimate source of political legitimacy and the state andsage maximally retreat from the intermediation between it and the people. The wealth of being and flourishing that emerges from this political eclipse’ is simply neither calculable nor captured by liberalnotions of laissez-faire policy strategies specifically taken up to amplify material interests socially understood. In Graupe’s terms even **humans are considered as “events'' rather than “things'' or“beings’’’** (2007: 4) **in the on-going processual life of the great Dao.**Herein, **liberalism’s methodological individualism**16 **falls to the ground and is supplanted by a radically different vision of social belonging and action**: laissez-faire notions of a marketplace har-monised by a hidden hand of self-interest are supplanted by a vision of attunement with a pre-established harmonic which invests ‘the many of society with the fundamental and pre-established ‘capital of the Dao: contentment. Stanza 20 points to the abyss standing between the sage and the everyday world of want and desire:The crowd has more than it needs;I am left untended.The crowd has its ways and its means;I am set in my ways and despised.Alone and apart from all others,I honor the life-giving mother. (Roberts 2001)As this makes clear, Wu wei does not only endorse a giving up of the whirl of desire that governs individuals, it also encourages a rejection of social values seen as a private or personal normative compass. Thisfundamental differential distinguishes ‘liberal’ appropriations ofDaoist thought from those which witness its embrace of paradox and the autonomy of plural phenomena in the unfolding of the one Dao asan end in itself. 66 Eric Goodfield03-Good:Layout 1  1/26/11  2:24 PM  Page 66 This mismatching is made more visible when looked at in terms of real world applicability, implementation and policy. As a policy plat-form, the state’s laissez-faire retreat from economic intervention is simply incommensurable with the larger Daoist programme. The Appeal to Adam Smith’s recognition of ‘latent’ forces working towards prosperity and perfection’ and that, subsequently, ‘All one needs to do is allow them to operate, to not get in their way’ (McCormick1999: 336) is incrementally coherent with the Dao. The economist reduction, however, of the Dao to a strategic balancing of the mater-ial interests at play in society is insufficient to the intended analogy,and remains a major shortfall in McCormick’s and Dorn’s arguments for the essential coherence of Daoism with laissez-faire ideology. This Inadequacy is heightened by Dorn’s and McCormick’s capitalist ref-erences. As Dorn argues, quoting Smith ‘people get rich by serving others and respecting their property rights’ (1998: 491). And, as such,the government is tasked with ‘the duty of protecting … every mem-ber of society from the injustice or oppression of every other member of it’ (2003: 491).  While, however, the Laozi does speak to social flourishing and the prosperity necessary to it, the institutionalisation of private property seems an utterly alien superimposition. This con-version and importation of the Dao to such alien purposes reduces WuWei to a hackneyed ‘orientalist’ crutch for the historically and insti-tutionally specific imperatives of market capitalism and the concomi-tant liberal politics of possessive individualism.The practical implications of the comparative with liberal notion of laissez-faire stretch further yet. The DDJ seems to suggest that where the state power acts as a sublime force for human affairs, the chances of lesser powers springing up and assailing one another is diminished. Without a leviathan harassing the many interests of soci-ety, there is to be less factionalism in society and no exemplar of exploitative power. In this context the DDJ tells us: ‘The more cun-ning craftsmen there are, The more pernicious contrivances will be invented. The more laws are promulgated, The more thieves and ban-dits there will be’ (Waley 1934).17 Thus governance guides and regu-lates progress that would otherwise lead to unnecessary want and seeks to resolve issues emerging from differentials of status, property and access. The majority of civil society, in its most general sense, are unencumbered by an interventionist state in the DDJ and are guided by the higher wisdom that commends an ethic of simplicity, trans-parency and utility to the lives of its citizens. This qualified approach to progress and development puts brakes on an EnlightenmentWu Wei East and West 6703-Good:Layout 1  1/26/11  2:24 PM  Page 67 humanism that would otherwise see the common good and its plural-istic realization as the sole end. **Humanist teleologies are** thus **direct affronts to the basic ethic of the DDJ which holds origins as definitive of the historical as well as natural trajectories that shape the lives of private and public persons and rulers and citizens.** Ultimately, a Daoist vision of ‘progress’ and the profits of contentment yielded byit are understood in coherence with the primordiality of the Dao suchthat the ‘ruled' enrich themselves … the ruled keep their simple ways’(Roberts 200: 145), ‘Owning little, craving less’ (Roberts 2001: 70).In opposition to the political norms of the Enlightenment, the DDJ advances a spiritual interest in the attenuation of social and political life to the sublime processes of natural development. The social, polit-ical and economic dictates of Enlightenment conceptions of human nature and their interests are herein rejected as merely one-sided and empirical facets of a deeper nature rooted in the universal continuity of the Dao. This continuity is presented in the DDJ as intuitively as well as intellectually knowable, not on the basis of axiomatic or logi-cal principles but rather in the absence of the absolutes that would be required to resolve the basic problems which human experience and living presents for science and philosophy. I hold that this amounts to foundationalism in the DDJ and I take its meandering philosophical meditations as a meaningful form of reflection in itself. This dynamic has at times been held up as a mysticism but I argue that it actually presents a profound dialectic of thought and didactic approach to the questions of being and becoming where the primacy of the question is held up as operative for the understanding of the absolute Dao as a unity underlying nature and society which must be recognised and respected if not finally grasped.III: ConclusionI believe the general trend of my discussion has made my position on the association of Enlightenment notions of laissez-faire with Wu wei clear: the anti-humanist metaphysical perspective which gives rise toWu wei in the DDJ makes the association superficial and problem-attic. The well-known religious comparativist Paul Carus argued that,according to Laozi, ‘Rulers should not interfere with the natural development of their people, but practice non-acting, non-meddling,non-interference, or, as the French call it, laissez faire…. The less the welfare of the people is forced by artificial methods, the greater will68 Eric Goodfield03-Good:Layout 1  1/26/11  2:24 PM  Page 68 be their wealth and prosperity’ (Reid 1925: 293). I believe that such statements misunderstand the sense in which Wu wei is apolitical and has little to do with the social amplification of wealth and prosperity.As argued above, the utility served to liberal notions of negative lib-erty which are furthered by the invocation of laissez-faire doctrines is part and parcel of the problem which conventional and pragmatic pol-itics presents from the DDJ’s point of view. That is, humanist visions of political practice impair our ability to see beyond a human horizon of interest to the disinterested plateau of the Dao and inevitably results in disappointment and suffering. In this context, Wu wei has far more to do with allowing a supra-historical fate embedded innature to fulfill itself in recognition of the ultimate harmony it alone can yield in whatever form. Rather, it is as Hans Georg Moeller put it in his Philosophy of the Daodejing; politics in the DDJ is a politics of paradox where no politics is best. What is certain here is that readers who see the DDJ as a politically and economically pragmatic text will not be satisfied with my empha-sis on those aspects of the text which render it as a somewhat ahistor-ical rejection of political life to the ends of spiritual attunement and reconciliation: Wu wei understood in its contemplative rather than purposive sense.18 This is not to say that Logan's vision of the DDJas a treatise first and foremost concerned with considering the virtue of naturalness (tzu-jan) for human society does not contribute to our understanding of its theoretical purposes. Despite the ambivalences of our readings of the DDJ’s overall purposes, however, Gerlach, whotraces Wu wei into early Eighteenth century European notions of lais-sez-faire through the pens of Quesnay and others, openly admits that he is tracing the transmission of Confucian readings which have ren-dered it the wu-wei er zhi of enlightened despotism (2005: 4-5).Michael frames this influence as a ‘Confucian-inspired interpretative overlay [that] has been decisive in allowing modern scholars to claim that the Laozi is a work of political philosophy’ (2005: 55). Thus, and from this point of view, to attribute the Wu Wei of the economists to the DDJ and early Daoism is simply misplaced appropriation insearch of ancient legitimation for a young ideological hypothesis.This coheres with Ames’s assertion that the pronounced anarchist ten-dencies presented in the DDJ had less to do with formulating a posi-tive political theory – let alone a version of laissez faire – than with providing political relief to those who suffered under the yolk of extreme authoritarianism during the pre-Qin Warring States Period(475 BCE-221 BCE) which witnessed epic strife and conflict. AsWu Wei East and West 6903-Good:Layout 1  1/26/11  2:24 PM  Page 69 such, he renders the DDJ’s positive political purposes of secondary concern where its rendering of Wu-wei ‘defies any possibility of prac-tical implementation’ (1981: 197).

#### 2. The Chad evidence functions as a da to humanism since it says desire structures can produce evil- that means always prioritizing them makes no sense

### Academy K

#### 1. Ballots do have a real effect on the debate space- they change what we talk about and what we experience

Reid-Brinkley 8 -- MA, University of Alabama, 2003 (Dr. Shanara Rose Reid-Brinkley, May 2008, “THE HARSH REALITIES OF “ACTING BLACK”: HOW AFRICAN-AMERICAN POLICY DEBATERS NEGOTIATE REPRESENTATION THROUGH RACIAL PERFORMANCE AND STYLE,” p. 113-5), r0w@n

Signifyin’ on institutional symbols of American democracy, Jones’ draws attention to the parallels in power structures between the federal government and the decision-making arms of the debate community. The “halls of Congress” represent the halls of debate tournaments. “Capitol Hill” where the laws of this country are enacted is a metaphor for debate tournament tabrooms where wins and losses are catalogued. Tournament ballots metaphorically represent the signing of the judges ballot at the conclusion of debates. In facts, debaters often argue that the “impacts” they identify or the solvency for their plan happens “once the judge signs the ballot,” as if assigning a winner or loser actually results in the passage of a policy. Jones argues that it is the ballot that is the most significant tool in influencing the practices and procedures of the community. In other words, the competitive nature of debate guarantees that teams and coaches remain responsive to trends amongst the judging pool. Ultimately, debate competition is a run to capture or win the judges ballot.¶ That the ballot “enacts” the “policies” of the debate “community,” makes the space of competition a critical arena from which to attempt community change. Up until this point, the policy debate community had dealt with issues of diversity and inclusion outside of tournament competition. Directors, coaches, assistants, and debaters may have engaged in outreach and recruitment practices designed to diversify the debate community, but discussions and support for such actions were not generated from debate tournament competition. Those discussions occurred in collaborative versus competitive settings where stakeholders were encouraged to dialogue without concern for winners or losers. For example, OSI (the original non-profit arm of the UDL) sponsored Ideafests to bring stakeholders in the debate community together to discuss the national expansion of the UDL. Thus, Green’s following argument during tournament competition directly violates the traditional practice of discussing issues of diversity and inclusion in the community, outside of competitive debate rounds:¶ Racism is one of the leading exports of the United States Federal Government and it exploits it on to other countries. It doesn’t acknowledge its problems at home and the debate community replicates those values by playing in this fantasy world that we cannot change. By sitting silent, by not acknowledging, or addressing the problems within this community. It is easy for us to say that there are problems racism and sexism but the problem comes when we recognize those systemic issues and do nothing to change our methods of how we challenge those problems.109¶ Green is holding the debate community accountable for its failure in significantly increasing diversity and inclusion. They hold teams accountable for their methodological choices in debate participation forcing other teams and judges to consider whether or not the traditional or normative ways of engaging in competition result in an activity and environment hostile to those debate bodies marked by difference.

It’s also empirically proven by theory changing norms

Two reason why the case outweighs the alt’s reformative potential

1. Rationalism disad- status quo debate and academia operates with a model of the self that pretends like desire systems don’t exist- endorsing daoism is a key pedagogical step to having policy education that’s actually meaningful- goes conceded out of the 1ac pettman evidence and turns all their offense about no real change
2. Over-codification disad- The affs wuwei political mindset creates a debate space where we’re naturally oriented towards constant micro-reforms- they try to solve problems with kritiks of debate, we solve problems by fixing the system so we don’t need to destroy it- that’s ames and hall- solves 100% of their debate bad offense since we can repair it

#### 2. Perm do both- their alt is adopting new pedagogies and daoism is 100% a new pedagogy

#### 3. Their theory of power makes zero sense- debate is not academia, we’re not people that could actually make change if we weren’t debating since we’re just a bunch of kids

#### 4. Communication’s inevitable- just shutting up means it’s easier for the machine to crowd out your voice

#### 5. Their alt links to the k- radical passivity and postmodernist bullshit is exactly the kind of thing your k rants at- we need realistic solutions that create tangible reforms- that’s why you vote for the wuwei mindset

#### 6. You haven’t read a single non-white non-professor author in this k- proves you’re controlled by the university

#### 7. Their obsession noncommunicative forms of solvency a- prevents those solutions from making sense since we can’t debate them b- infuses capitalism within activist movements under the guise of ‘maximizing productivity’- they’re a Facebook movement

Hoofd 17 [Ingrid M. Hoofd (2017) “Higher Education and Technological Acceleration: The Disintegration of University Teaching and Research” Palgrave Macmillan, New York, https://doi.org/10.1057/978-1-137-51409-7]//jz

Several years ago, the media and communications programme in NUS saw the need for an ethics module, and I was invited to create and teach this module. That this course became mandatory within this particular programme is, in light of the connection I outlined in Chap. 1between communication technologies and academic acceleration, no surprise: the integration of more and more complex media technology into society creates a host of new ethical dilemmas, and students, so the argument goes, should be taught how to manage these dilemmas and technologies in their ‘real’ jobs after university. This argument is of course not unique to this particular university. The shift from an industrial social order towards a society marked by new media technologies has resulted in a proliferation of debates and agendas on the teaching of moral guidelines in academia and other educational institutions, and in many ways follows Ortega y Gasset’s call to teach the students what they need to know by way of imparting only that cultural and moral knowledge that may function as a ‘method’ or roadmap. At Utrecht University, for instance, the Media and Culture Department in the Humanities Faculty at which I currently teach has attempted to heed students’ needs by responding to the advice from an external visiting committee demanding more transparency in teaching. The Department did so by implementing the requirement that end goals and methods are made explicit in module syllabi and student theses, and that courses are to focus on the transmission of clear skills rather than ‘obscure theory.’ But while such attempts at transparency are seemingly well meant and generous to the students, they ultimately divorce methods IDEALISTIC SELF-DELUSIONS AND THE LIMITS OF NOSTALGIA 73and skills from their grounding theoretical (and hence always subjective) perspectives, much like Ortega y Gasset implies that the teaching of mere ‘roadmaps’ is an ultimately neutral or positive affair. Methods, as its etymology indeed suggests, are convenient roadmaps in Ortega y Gasset’s sense, but are always specifi c to a certain theoretical tradition and hence can always be questioned for their limitations. What is more, the emphasis on methods seems to arise from a fear of the confusion and partial subjectivity of student assessment on the basis of the inter-subjective teacher– student relationship within a certain tradition, and hence appears as an attempt to stamp out the ‘noise’ emanating from the Lyotardian ‘demise of great narratives’ in the postmodern European context. This obsession with methods can therefore be interpreted as akin to the onslaught of cybernetics and quantifi cation, which seeks to suppress the complications of thinking as dialectical in the university at large from the larger speedelitist context which this cybernetic machinery serves. Staff and student work in turn increasingly resembles a fi nally immoral—because blind to its reproduction of inequalities—form of automated production and an ever more hastily churning out of research and writing. Student theses, for instance, having to bow to the demands of a standardised assessment form in which supposedly crucial aspects of the thesis are presented as separate entities (for instance, the method employed needs to be rendered explicit and is assessed separately from the theoretical framework in the form), leads to narrow ‘assembly-line’ write-ups that merely seek to ‘tick the boxes’ without any critical or holistic considerations around rhetoric and perspective. More disturbingly, students that attempt a more daring or original piece of writing for their theses tend to get penalised when, for instance, not explicitly stating the method employed, even if management claims that the form is not meant to be prescriptive. This deplorable practice is therefore reminiscent of the ‘drilling’ and disciplining of the student (and the lecturer or supervisor), as the compulsory transparency of goals and methods lead to a situation that becomes completely blind and disrespectful to how the outcome of the pedagogical student–teacher relationship can and should never be fully known in advance in order to remain a scene of insightful transformation for the student and teacher away from the cybernetic compulsion of the neoliberal economy. In other words, if the pedagogical scene wishes to be as hospitable and promissory as possible so that radically new understandings may emerge (and the student can truly grow), it is imperative that module goals remain partly oblique and emergent, and that methods 74 I.M. HOOFDare always also questioned and unpacked for their partial and subjective (often European and masculine) theoretical underpinnings and traditions. After all, the term ‘theory’ is derived from the Greek θεωρειν or ‘being a spectator in a theatre,’ and hence always implies not only a partial or subjective position, but also an element of contextual inter-subjectivity. The formulation of strict methods is therefore one particular instance of a problematic transcendence via an erasure of the non-neutral grounds of theory. The faculty examination board at Utrecht thus attempts to ‘eliminate the noise’ of teacher and student subjectivity and respond to the demands of the market, while failing to understand that not only such inter-subjective ‘noise’ is precisely what makes teaching, learning, and pedagogical communication possible, but also that the main ‘culture’ of the humanities traditionally is one of questioning methods and critiquing all forms of non-neutral automation in order to invite a radically different future. The acceleration of the aporia can therefore be keenly felt around these pedagogical demands from the management (and beyond) as well as in my supervision and teaching at Utrecht University; an increasingly unsure student body demand being taught ever clearer ‘methods’ and ‘skills,’ while at the same time, some of these students get ever more self-doubting and even display a recalcitrance with the university as such, being unsure how to properly understand their own fears and doubts as a logical product of the aporetic demands the university and the lecturer makes on them. What is more, the rendering transparent of methods and goals while eliding the controversies underlying them has in many cases the paradoxical outcome of making the students understand less, as they, for instance, logically cannot comprehend why all the great texts of the humanities tend not to have an explicit methods section, while they have to focus so much on methods in their theses. Eventually therefore, this attempt at complete transparency does the students and the staff a disservice, even if it seems to dutifully cater to their needs and uses. Interestingly also, while the harking back to the teaching of theoretical traditions in media studies may seem an antidote to the obsession with clear methods and roadmaps, the acceleration of the aporia emerges even stronger in such well-meant attempts to rethink the pedagogical scene as one of Bildung via theoretical—yet eventually also largely white and masculine—culture. In order to counter the obsession with methods and end goals, several of my colleagues and I at Utrecht University set up a task force for rethinking student assessment and pedagogical goals. Our line of reasoning largely is that a more appropriate and generous teaching and IDEALISTIC SELF-DELUSIONS AND THE LIMITS OF NOSTALGIA 75assessment should instead focus on the teaching of the main grounds, theories, and traditions in the humanities at large, so that an ethic of critique and questioning can once more be foregrounded in the media and culture curriculum, as it was in the past. While this at least allows the students to address methods and texts in a critical fashion, the question of course remains whether such a revision—while certainly remaining more hospitable to subjective student and staff otherness than the blind quest for objective module transparency and methodological automation—not also remains wedded to a nostalgic and ultimately problematic Enlightenment agenda. Such a nostalgia for the grounds of (critical) theory hence also appears as a complicit product of the acceleration of higher education, insofar it also performs the Janus-faced logic of academic optimism in light of larger social desperation. What is more, the art of critique (which comes from the Greek κρινειν or ‘to separate’) also requires that aspects are split out or distinguished from one another—left from right, East from West, and neo-liberal from liberal—whereas such divisions are nonetheless intimately entangled with and constitutive of one another, so that technological conditions that collapse the semiotic and functionalist spheres, the simulated playing out of such illusory differences lead to their accelerated reproduction. The problem is thus one of conceiving a truly radical form of questioning or critique by looking closer at the ‘theatrical’ aspect of θεωρειν, while admitting that such a questioning itself performs such theatricality just as much. It is for this reason that, for instance, Gary Genosko addresses the problem of radical theory in Baudrillard’s work as similar to the problem of how to conceive of ‘political theatre’ in “The Drama of Theory,” about which more in Chap. 5 . So in short, I suggest that the debates and agendas that see the solution in a rigorous implementation of moral or methodological roadmaps almost always concern the issue of how to teach a form of refl ection fi t to deal with the moral confusion and supposed ‘loss of values and direction’ (in line with Ortega y Gasset’s lament of fragmentation) due to the arrival of the information age; any illusion of grounding university teaching in some superior European cultural and theoretical tradition runs the risk of closing off alterity, so that it must also question its own grounds. This also becomes clear in the ethics course I had to set up for the communications programme in Singapore, to which I will now turn.

### Anthropocentrism

#### 1. Perm do both- meta-ethical anthropocentrism is distinct from ethical anthropocentrism and the perm outweighs the alt- we represent a livable future for everyone

**Shapiro 11,** (Kenneth Shapiro, (ed., Animals and Society Institute), “Anthropocentrism,” Human-Animal Study, Volume 12 2011. FT+r0w@n)

Anthropocentrism has had a contested history vis-a-vis this meta-ethical debate. The suggestion that moral value is even partially affected, let alone constructed, by differential human capacities or perspectives has been typically associated in contemporary meta-ethics with relativism; such that proponents of relativism embrace anthropocentrism, whereas proponents of realism eschew it. Investigating the pre-modern history of anthropocentrism, however, yields remarkably different associations. By exploring the antagonism toward meta-ethical anthropocentrism that developed in early-modern thought, we can unearth different understandings of the concept that can be used to articulate defensible alternatives to the realism- relativism debate today. Furthermore, focusing on anthropocentrism as a meta-ethical position helpfully disentangles it from other extensions of the concept. Meta-ethical anthropocentrism can be defined as the view that conceptions of morality are constrained by human perspectives and sensibilities (it is this dependence that has led to the common association of metaethical anthropocentrism with relativism). Ethical anthropocentrism, however, says nothing about the foundations or conceptions of morality, but instead refers to the more commonplace view that moral consideration is only properly granted to humans. In this way, ethical anthropocentrism represents what we may call a 'first-order' moral judgment: it is a claim about what is moral. Meta-ethical anthropocentrism, by contrast, is a 'second-order' moral judgment (i.e. a judgment about moral judgment): it is a claim about what morality is. It is quite possible to be anthropocentric in one, but not both of these senses. Indeed, as discussed in section two below, Western philosophy has tended to affirm ethical anthropocentrism despite a pronounced rejection of metaethical anthropocentrism. My own view is an inversion of this trend: in section three, I defend a form of metaethical anthropocentrism that does not entail anthropocentrism of the first-order, ethical variety. The thesis is that moral values may be realist without thereby sacrificing the ineliminable role that human sensibility and experience play in their consitutiton; and that this form of metaethical anthropocentrism rejects the pernicious moral myopia toward non-human animals that is bred by first-order anthropocentrism. Finally, in section four, I look to philosophical Daoism as an actual, liveable embodiment of this position.

## LARP Answers

### Generic Disad Answers

#### I don’t link- the aff is a redefinition of property- it doesn’t abolish private sector companies or stop people from exploring space

#### They’ve conceded our Ames and Hall evidence about creativity- the only link into true creativity is internal desires, since they motivate us on a deeper level than external desires- that’s a straight link turn to case

#### They’ve conceded the Ames and Hall movement evidence- that sayas that when we reject staticizing reality we can create movements that become habitual since we start structuring our movements to withstand inevitable change- that’s the key internal link to change that a- outweighs the aff on scope since we address all problems b- prereqs the aff since absent habit forming their movement will collapse

#### They’ve conceded our chad evidence that says desires are driven by the state and corporate interest- that’s an indict to all their ‘business prevents extinction’ bullshit because those authors are corrupted by bad and fake desires

#### They’ve conceded the Pratt evidence- my impact card- the impact is a balanced state that gets rid of bad social norms and makes people act in a collective mindset- that means a- the aff solves back for every disad by letting the world solve them b- we outweigh on scope since we impact everyone and everything

### Extinction

#### Chad-

Desires are controlled by the system- without an affirmation of forgetting those desires- the aff- the neg falls prey to them

That means you

1. doubt their policy evidence! It’s created by thought-systems that control your desire as a judge to vote for their squo-mainintaining stuff.
2. The aff is key since without a daoist reformation desire systems destroy any attempt they’ll make at solvency

#### Pettman-

Rationalism is bad right now- it refuses to aknowledge any of its shortcomings- endorsing daoism is a key pedagogical step to becoming more flexible

That means that

1. The aff is always key since the rationalist model necessarily refuses deferential politics
2. Any rationalist disads fail without the aff since they can’t take into account enough potentialities

## Theory Answers

### T Framework

2 disads- these aren’t just to t since they reject their entire model of diologue and discourse

1. Rationalism disad- it operates with a model of the self that pretends like desire systems don’t exist- endorsing daoism is a key pedagogical step to having policy education that’s actually meaningful- goes conceded out of the 1ac pettman evidence
2. Over-codification disad- The affs wuwei political mindset creates a debate space where we’re naturally oriented towards constant micro-reforms- they try to solve problems with theory, we solve problems by fixing the system so we don’t need policing with theory- that’s ames and hall
3. Competing interpretation: debaters should defend the resolution through the role of the ballot of establishing wuwei deferential politics

Net benefit are the disads

Implications

1. The aff makes debate a pedogogically valuable space- means we are the internal link to education
2. The aff outweighs infinitely theory in scope since our debate space is naturally oriented better

Education outweighs

1. It’s the reason why schools fund debate
2. It’s the only portable skill we take away from debate
3. It spreads to every round- fairness stays here
4. I meet

#### Appropriate is defined as

Google Definitions

the action of taking something for one's own use, typically without the owner's permission. "the appropriation of parish funds" 2. a sum of money or total of assets devoted to a special purpose. "success in obtaining appropriations for projects"

I don’t defend taking or owning anything- the property model of the aff is essentially the exact opposite- that means arguments for the aff definitely affirm the res

Even if I win a partial we-meet it means they probably should have been prepared for this even if it wasn’t 100% t

Standards

Ground

1. generic disads that link to every aff bad- decreases education cuz you don’t have to do new prep, esp critical education cuz generic disads are boring
2. just read an opposing rotb and argue why it comes first- people have read cap rotb, dean rotb, tt rotb
3. read a counterplan and argue why it links better to wuwei
4. turn my plan- deterritorialized possession sounds kinda socialist and there are hella neocons out there

Limits

1. we win limits cuz we limit aff ground even more- since you have to be topical and wuwei
2. I can’t run this aff on every topic cuz it’s topical- half the case was topic cards and the plan is topical

#### Paradigm

All their fairness weighing presumes these affs collapse debate- obviously not true- people have been running k affs for decades

A2 SSD

1. Only the aff can establish a new model for a debate- they get to set a plan text and decide what to talk about- the neg has to be reactive
2. I can’t read the advocacy on the neg- it affirms the res lol

A2 TVA

#### Specific Violations

A2 extratopical since do something outside rts-

No- the acting verb in the resolution is ‘to recognize’- one way to do that is to award something- the aff recognizes the strike against desire by rewarding it with this policy

A2 extratopical cuz rotb-

I don’t fiat the rotb

A2 effects cuz do something to recognize the strike-

No- the acting verb is ‘to recognize’- one way to do that is to award something- the aff recognizes the strike against desire by rewarding it with this policy

#### Private Actor Fiat Bad

CI- debaters can fiat all private actors doing physical, tangible, and actionable actions on the January/February topic

Standards

1. Core lit- the actor is literally private actors, 100% of phil ground is based on private actors and it’s who the res is asking about

Their standards

A2 abusive plans

1. No, we can’t change the way people think, we can only specify specific actions that private sector space companies should do

A2 can overspec

1. CI solves since we have to include all actors

A2 gov education outweighs

1. Private sector ed outweighs- the private sector has way more power and influence than the usfg and statistically more debaters will go into it- our education is structurally more useful

A2

### Must Cite Chinese Authors

1. I do, I cite Laozi
2. My authors are all people who’ve spent their entire professional lives studying daoism- I’m definitely being faithful
3. Many of my authors had chinese daoist scholars edit their works
4. Lots of the journals of Chinese philosophy that my articles are published in are run by chinese editors- disproves the ‘divorced from culture’ argument

#### When I say Daoist philosophies I’m talking about these three texts- I obviously never pretended to talk about every form of Daoism- contemporary religion and culture are distinct from 3 textbooks written 2,000 years ago

Coutinho 14, Steve. “An Introduction to Daoist Philosophies.”, 2014, Columbia University Press, Dr. Coutinho is a specialist in early Chinese philosophy with an emphasis on early Daoist texts. He studied at University College London, where he did his B.A. in analytical philosophy, and M.Phil in the phenomenology of Husserl. At the University of Hawai'i, he completed his Ph.D. in Chinese and Comparative Philosophy under the supervision of Roger Ames, and studied classical Chinese with David McCraw.He has taught at the University of London, the University of Hawai'i, and Towson University. He came to Muhlenberg College in 2005, where he teaches courses in Philosophies of China, Philosophies of India, Daoist Philosophies, Logic, and Philosophy of Language, DOA- 11/20/21, I have an apple books file, r0w@n

“The term “Daoism” is highly amorphous, as there is no unitary phenomenon to which it unambiguously refers. It may refer to the philosophical ideas advocated in early texts such as the Laozi and the Zhuangzi; to the syncretistic metapolitical thought of the Han dynasty; to systems of spiritual and meditative cultivation; to practices of alchemy and longevity; and to a number of institutional religious systems that have developed over the course of the last two millennia. This book does not pretend to be about all these forms of Daoism. Rather, it focuses specifically on the variety of philosophical ideas and viewpoints that are raised in three early Daoist texts. Two texts in particular, the Laozi and the Zhuangzi, came to dominate the discourse and acquired the status of classics, at least in part because of the richness of their philosophical content. They are by no means the only early texts representative of Daoist philosophical thought. The Huainanzi and the Lüshi Chunqiu, for example, contain some material that resonates with Daoist sensibility. Roger Ames and D. C. Lau have produced a study and translation of “Yuan Dao,” an essay from the Huainanzi that explicitly draws ideas from both the Laozi[…]”“Harold Roth has recently produced a study of the “Nei Ye” chapter of the Guanzi and its possible relationship to early Daoist thought and practice. In this book, I have expanded the usual repertoire of the Laozi and the Zhuangzi with a study of the Liezi. Though it dates from a slightly later period, it is very similar to the Zhuangzi in style, spirit, and content, sharing and developing many concerns found in the earlier two texts. Without denying the individuality of and distinctive differences among the three texts, or the plurality of voices and perspectives within each of them, they can be seen as sharing a distinctive philosophical sensibility that differentiates them from competing views of the time. Even if the authors, contributors, and commentators did not think of themselves as proponents of a single doctrine or as belonging to the same school, they are not unreasonably regarded as belonging to related traditions of thought. Broadly speaking, they each articulate a worldview that promotes a shift in emphasis from the human to the cosmic, or from the artificial to the natural. They also advocate ways of life in which we cultivate natural capacities, and modes of yielding, nurturing[…]”“time to come. But since it has multiple manifestations, I shall use the plural form, “Daoist philosophies.” This book provides a thorough scholarly introduction to the fundamental concepts of the various branches of Daoist thought represented in these three texts. It is written for two types of readers: those interested in philosophy who want to expand their range to include Daoism; and those interested in ancient China who wish to deepen their understanding of the philosophical issues raised by these texts.”

### No disassociating with Chinese Culture

#### When I say Daoist philosophies I’m talking about these three texts- I obviously never pretended to talk about every form of Daoism

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“The term “Daoism” is highly amorphous, as there is no unitary phenomenon to which it unambiguously refers. It may refer to the philosophical ideas advocated in early texts such as the Laozi and the Zhuangzi; to the syncretistic metapolitical thought of the Han dynasty; to systems of spiritual and meditative cultivation; to practices of alchemy and longevity; and to a number of institutional religious systems that have developed over the course of the last two millennia. This book does not pretend to be about all these forms of Daoism. Rather, it focuses specifically on the variety of philosophical ideas and viewpoints that are raised in three early Daoist texts. Two texts in particular, the Laozi and the Zhuangzi, came to dominate the discourse and acquired the status of classics, at least in part because of the richness of their philosophical content. They are by no means the only early texts representative of Daoist philosophical thought. The Huainanzi and the Lüshi Chunqiu, for example, contain some material that resonates with Daoist sensibility. Roger Ames and D. C. Lau have produced a study and translation of “Yuan Dao,” an essay from the Huainanzi that explicitly draws ideas from both the Laozi[…]”“Harold Roth has recently produced a study of the “Nei Ye” chapter of the Guanzi and its possible relationship to early Daoist thought and practice. In this book, I have expanded the usual repertoire of the Laozi and the Zhuangzi with a study of the Liezi. Though it dates from a slightly later period, it is very similar to the Zhuangzi in style, spirit, and content, sharing and developing many concerns found in the earlier two texts. Without denying the individuality of and distinctive differences among the three texts, or the plurality of voices and perspectives within each of them, they can be seen as sharing a distinctive philosophical sensibility that differentiates them from competing views of the time. Even if the authors, contributors, and commentators did not think of themselves as proponents of a single doctrine or as belonging to the same school, they are not unreasonably regarded as belonging to related traditions of thought. Broadly speaking, they each articulate a worldview that promotes a shift in emphasis from the human to the cosmic, or from the artificial to the natural. They also advocate ways of life in which we cultivate natural capacities, and modes of yielding, nurturing[…]”“time to come. But since it has multiple manifestations, I shall use the plural form, “Daoist philosophies.” This book provides a thorough scholarly introduction to the fundamental concepts of the various branches of Daoist thought represented in these three texts. It is written for two types of readers: those interested in philosophy who want to expand their range to include Daoism; and those interested in ancient China who wish to deepen their understanding of the philosophical issues raised by these texts.”

## Trix/TT

2 disads- these aren’t just to truth testing since they reject their entire model of diologue and discourse

1. Rationalism disad- it operates with a model of the self that pretends like desire systems don’t exist- endorsing daoism is a key pedagogical step to having policy education that’s actually meaningful- goes conceded out of the 1ac pettman evidence
2. Over-codification disad- The affs wuwei political mindset creates a debate space where we’re naturally oriented towards constant micro-reforms- they try to solve problems with theory, we solve problems by fixing the system so we don’t need policing with theory- that’s ames and hall

Extend the role of the ballot- which is to establish deferential politics. Acting within the flow of the universe lets us make politics that avoid the inevitable circumvention posed by traditional policymaking and critical discourse

Solves all netbens of tt since I still declare the res true or false- I just use certain methods to determine truth and falsity

Prefer since I resolve the disads

Trix Proper

1. Pettman means we overthrow debate norms a- the aff solves back for every theoretical argument which outweighs on scope since they only talk about this round
2. They dropped literally the entire performance- pretty cringe since it was literally all trix spikes
3. Words incoherent at indicating meaning- nameless thing have value to humans- this spikes redefinitions and logcon since it proves we don’t need specific words to indicate meaning- proven by how everyone else knows what the res and ought mean
4. Everything comes from the obscure- means paradoxes are easy to find but ultimately all illusions constructed from obscurity
5. We spike all paradoxes with wu-wei- it means we’re constantly shifting back and forth from things being true and untrue which means all their paradoxes are false

#### Here’s how logic works bozo- this card means even if you disprove the aff I still win cuz binary logic is fake news

Goodfield 11, Eric Goodfield, Wu Wei East and West: Humanism and Anti-Humanism in Daoist and Enlightenment Political Thought, Theoria: A Journal of Social and Political Theory, March 2011, 12-8-2021,​​​ Eric Lee Goodfield is an Assistant Professor with AUB’s Civilization Studies Program and the Department of Political Studies and Public Administration. His recent book Hegel and the Metaphysical Frontiers of Political Theory came out with Routledge in 2014. His research interests include non-Western/comparative political thought, the history of philosophy, and modern and contemporary political philosophy.  A former Fulbright Fellow, Eric has previously taught in Korea, Thailand, Armenia, Kyrgyzstan, Egypt, and Germany. r0w@n

In stanza Two of the DDJ, we see that the justification of non-action as a casuistic ideal is a reflection of the DDJ‘s dialectical conception of opposition. The DDJ here tells us that ‘Being and not-being grow out of one another / Difficult and the easy complement one another’(Waley 1934: §2).10 In so doing it **rejects binary logics that would assert a law of noncontradiction exclusively so that A is both A and not A simultaneously**.11 **From the perspective of the particular concept it is only A, from the perspective of the Dao A and not-A, that share ina deeper unity which embraces both such that their discrete identities**60 Eric Goodfield03-Good:Layout 1  1/26/11  2:24 PM  Page 60 **do not escape a relational unity.** Both truths exist in the Daoist land-scape; one is recognised as the experience of sensual life and desire and the other the wisdom of the sage who has penetrated to a more sublime foundation underlying apparent reality: the valleys and the misty mountain peaks of classical Daoist aesthetics. This wisdom is recognised as the result of a limiting of desire. Though the DDJ lays down no explicit programme for such progress, this ethic is present in non-active acting (wei wu-wei): ‘This is why the man of wisdom /Concerns himself with under-acting / And applies the lesson / Of the word unspoken’ (Roberts 2001: 30). Having attained this level, thesage, recognised as the most fit ruler who ‘stands in direct contrast with the thoroughly unimportant role played by the King’(Michael2005: 44) does more by doing less in an ethic of non-action which guides without interfering or laying claim from beyond the bounds of the political realm. The DDJ‘s programme presents us with a minimalist political theory in the extreme; recognising the naturalistic basis of diversity it maximally seeks to allow these differentials to express themselves. The Dao authorizes these differences in what it refers to as the ‘10,000 things’ or the multifarious plurality of phenomena which fill the canvas of the world. Naturalistic laissez-faire doctrines of the early Enlightenment which rose up to challenge the economic pater-nalism of mercantilism cohere with this approach at their margins, butin no way do they recognise it as an inherently organic process unrav-elling itself. With the possible exception of specific Western rational-istic visions of a ‘logos’ anteceding nature,12 there is little else in the repertoire of Western thought that remotely coheres with the Dao as the ‘othering’ predecessor to the historical and natural realms. It is the world of human interactions as seen through the Dao’s paradoxical unity which presents us with unique political implications. Wu weihere becomes a recognition of a larger logic, an alternate ‘logos’ tohuman historical will which furnishes the ends of the natural world and those of the human as well. As such, private and public action is best to emulate and attenuate to this underlying and eternal presence.Advancing human political and economic interests out of a laissez-faire approach here misses out on the point that human ends infected by merely political and economic interests will always fall short of their true aim. The laissez-faire orientations in the DDJ are inclined towards release rather than gain, and surrender rather than acquisition. Inshort, the spiritual nature of the Dao and the potentialities of human beings presents a political economy that is difficult to hold up toEnlightenment notions of non-interference for comparison.

1. The way we achieve real change is by doing non-action, that proves that negating affirms since absence of action is what triggers action
2. Names create definition- that means neg creates meaning through the act of negating- thus negating affirms
3. Everything comes from nothing- that means negating affirms
4. Only habitual action creates real change- that means negating’s illogical since one instance of negation can’t overwhelm the aff
5. Reality’s created by desire systems- that means we’re always moving towards affirming something so negation is an act of affimation
6. We need to forget everything to be daoist- that means you forget the neg
7. We can only own things for their intrinsic value and the intrinsic value in the aff is that it affirms- the role of the judge is to appreciate it by affirming
8. Creativity only exists within daoist structures- means negating’s incoherent since they can’t be creative enough to do it properly
9. Every moment is a new one- negating’s incoherent since nobody has time to negate anything when we always have to move on to the next moment

## Phil

### Skep

1. Skep doesn’t negate Daoism- I embrace the eternal balance that resides within permanent desire, I don’t think normative ethics or normative phil is good and nothing in the aff justifies that
2. Negating ethics is incoherent- ethics are constantly changing with our desire systems- only interrogating our relationship with these desire systems can let us understand ethics

## LBL

### Presumption

We do propose a method- it’s the rotb

2 reasons why that’s a good thing- pre-fiat

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2. Over-codification disad- The affs wuwei political mindset creates a debate space where we’re naturally oriented towards constant micro-reforms- they try to solve problems with theory, we solve problems by fixing the system so we don’t need policing with theory- that’s ames and hall

### Daoism says state bad

No, it says coercive state bad- the plan makes the state less coercive by changing property-based desire structures that empower the elites

### Laws incompatible with flux

Not these laws- redefining property as inherently fluctuating and free is using structural forces to strike their own constricting rules down

### Modern Communication Good for Movements

No- desire structures always keep pace and they have wayyy more power

### Natural Way Violent

1. They’re comparatively less violent than squo desire structures

#### Best scientific evidence says natural evolutionary desire structures are cooperative and peaceful- prefer this evidence because it’s the most holistic

Susan Hanisch;, 21, Are Humans a Cooperative Species? Challenges &amp; Opportunities for Teaching the Evolution of Human Prosociality, University of California Press, 8-1-2021, DOA: 1-13-2022, https://online.ucpress.edu/abt/article/83/6/356/118271/Are-Humans-a-Cooperative-Species-Challenges-amp, r0w@n

Evolutionary anthropologists commonly describe humans as a highly cooperative species, based on our evolved socio-cognitive capacities. However, students and the general public may not necessarily share this view about our species. At the same time, fostering our ability to cooperate is considered a key foundation for achieving sustainable development, and students’ understanding of the conditions that enable or hinder cooperation is therefore an important learning goal in sustainability education. In this article, we describe a small classroom activity that explored students’ and preservice biology teachers’ preconceptions about the human capacity to cooperate around shared resources in comparison to the capacity of our closest relative, the chimpanzee. Results indicate that students and teachers had limited knowledge about the evolved human capacity for cooperation around shared resources in small groups, most often viewing chimpanzees as more capable of cooperation and sustainable resource use. Based on the results of this classroom intervention, we highlight important learning opportunities for educators in biology on teaching human evolution and human behavior, particularly as related to current challenges of sustainable development. Keywords:behavior, comparative research, cooperation, human evolution Introduction Evolutionary anthropologists commonly describe humans as a highly cooperative species – whether it is in contributing to the group, sharing resources and information, or helping others, humans across cultures seem to care about the well-being of others, about fairness of outcomes, and are willing to enforce norms of cooperation even with a cost to themselves (Henrich et al., 2006; Bowles & Gintis, 2011). There is also wide agreement in the evolutionary and developmental human sciences that our species-typical capacity to cooperate in groups around shared goals and resources runs deep within our hominid evolutionary history (Tomasello, 2009), and that such social tendencies develop early in life (Warneken & Tomasello, 2009). “Students were less likely to explain human social behavior with reference to evolutionary causes and more likely with reference to developmental and cultural causes.” Importantly for current societal issues, cooperation is also considered a major prerequisite for achieving ecological, social, and economic sustainable development, while our ability to cooperate can be hindered by certain proximate conditions (e.g., Messner et al., 2013; Wilson et al., 2013). Thus, understanding the behaviors and conditions that allow humans to cooperate around the sustainable management of shared resources and other shared goals can be considered a foundation in education for sustainable development, such as for developing cooperation competencies in students (UNESCO, 2017).

1. Bad things existing doesn’t prove they naturally align with desire structures- these things have been shaped by bad social structures since forever—also indicts all their evidence since it presumes there was a humanity without desire structures
2. Cooperation, kindness, and love are more evolutionarily beneficial- it prevents stuff like violence
3. Reject their universally rationalist analysis of evolution- a- it doesn’t presume the desire structures that created the ev in the first place b- it presumes it’s the only authoritative source which the theory of power disproves.

## Cross Answers

### What’s the Impact?

#### The impact is resolving the structural violence outlined by the theory of power and the Pratt 14 evidence.

#### That means changing the way we create systems of property and ownership to get rid of the current parasitic relationship between employees and employers.

#### This also means we can establish communal mindsets among people affected by these structures which can resolve other structural issues like discrimination, unproductivity, and the failure of social movements.

### What’s the Solvency?

#### This is explained in the Ames and Hall 10 card that talks about WuYu

#### When we change the legal structures around how property is created that creates a communal mindset that resolves the violence the advantage talks about.

### What’s the plan?

#### It’s outlined in the Bruncevic card

#### We change the legal structures around property works- turning it into nomadic and deterritorialized instead of hegemonic possession.

#### Those words mean that people can get access to common resources but they can see those for private personal use.

### What does the theory of power do for \_\_\_ people?

#### The plan would resolve specific structural violence that would help \_\_\_ people.

### What’s the theory of power?

Structural violence is rooted libidinal control of people by the elite

Some good examples

Tucker Carlson making uneducated white people believe in white genocide myths

Normalization of capitalistic desires through communication