# NC

### Uniqueness CP

#### Counterplan: Property rights for asteroids should be governed by the doctrine of appropriation. Private appropriation of non-asteroid celestial bodies should be prohibited. Add an optional protocal an normal means

#### No link turns -- rules of appropriation solve waste and abstract claims and alternative approaches don’t

Myers 16 -- Ross Myers (J.D. candidate at the University of Oregon Law School.), The Doctrine of Appropriation and Asteroid Mining: Incentivizing the Private Exploration and Development of Outer Space, 2016, Oregon Review of International Law, https://scholarsbank.uoregon.edu/xmlui/bitstream/handle/1794/19850/Meyers.pdf?sequence=1 WJ

Like water during the expansion of the American West, the exploration of space can be financed and incentivized by granting rights in resources to those who secure new resources and put them to beneficial use. Some legal scholars have suggested the traditional rule of capture be applied to asteroids,69 or that rights to asteroids be purchased directly from an international agency and owned as chattel.70 However, like water during America’s westward expansion, asteroids are not easily classified under traditional property regimes. Thus, a doctrine of appropriation would be more appropriate for asteroids than a traditional rule of capture or a chattel system, because a system based on the traditional rule of capture or chattel would result in waste, abstract claims, and complicated legal issues.

First, asteroid claims cannot be adjudicated under the traditional rule of capture, or as chattel, because such systems would be incredibly wasteful. As of now, scientists have observed approximately 450,000 asteroids in our solar system.71

But only a fraction of the observable bodies will be cost effective to mine. While it might one day be possible for a single entity to finance several mining missions at once, current costs associated with such a venture would limit almost any space-mining program to one or two asteroids, at least initially.72 The traditional rule of capture could allow an entity to quickly claim multiple asteroids merely by landing on them and planting a flag, without requiring the entity to show it can reasonably use the resources they have claimed.

Even worse would be a system where the same corporation could claim asteroids simply by discovering their existence and registering the claim. Allowing this type of unregulated claim would incentivize larger corporations capable of space travel to quickly claim reachable asteroids, but the claims could easily outpace those entities’ realistic expectations on what they could use. Under a traditional rule of capture system, the solar system could be divvied up long before the resources could conceivably be mined. A rule similar to the doctrine of appropriation used for water claims in the United States would alleviate this concern by limiting claims to those where a claimant can show a reasonable beneficial use for the resource.

Another concern posed by the traditional rule of capture or chattel system would be the creation of abstract claims. Some legal scholars have advocated for a system where asteroids would be categorized as chattel, and rights in asteroids would be granted to an entity that could identify an asteroid and register ownership of it with an international agency.73 The advantage of such a system would be that it would allow an international agency to keep track of asteroids, and it would allow for the mapping of the reachable solar system. The problem with this approach, however, is that it would result in abstract claims. If an entity could claim the rights to an asteroid without actual possession, there is nothing to prevent that company from claiming ownership long in advance of any real possibility of landing on it. One of the reasons for creating the doctrine of appropriation was to limit abstract claims over resources that were not being used in any reasonable way. Just as the plaintiffs in Hague had no recourse against the third party who wasted the natural gas reserve, there would be no cause of action against an entity that has the rights to an asteroid, but chooses not to exercise them.74 This may be particularly harmful to society because asteroids contain volatiles that may be essential to creating rocket fuel in space, which, in turn, may be crucial to deep space exploration.

Using asteroid-bound volatiles to make rocket fuel would reduce the cost and increase the range of space exploratory missions, possibly improving the human race’s ability to explore and develop space. Under a system were entities could claim asteroids without actual possession, those entities could exclude others from landing on the asteroids and using such resources, even when such resources are languishing unused in space. To prevent the creation of such abstract claims over asteroids, the doctrine of appropriation could be modified as to only grant rights only to entities who are able to demonstrate both actual possession and beneficial use. This would ensure that asteroids claims are limited to those where the resources are actually being used, thus, maximizing the utility of such celestial bodies to society.

Finally, asteroids cannot be adjudicated under the traditional rule of capture or a chattel system because their unique propensity to collide with other celestial bodies would result in vexing legal issues. Pop culture has popularized the notion of an asteroid crashing into the surface of Earth in movies and books, but interspace collisions may be a real concern. Asteroids are constantly moving through space, and they often crash into other asteroids or space debris, and sometimes onto the surface of planets. So real is the concern that space agencies regularly keep track of NEOs, or Near Earth Objects, which include around 10,000 asteroids large enough to be tracked in space.75 Imagine the scenario in the popular movie Armageddon, where society wrestles with the mechanics of destroying a huge asteroid that is headed straight for Earth.76 It would be strange, indeed, if the situation were further complicated by an entity owning the asteroid. Would the Earth have to compensate the company for the loss of resources, or would the company be forced to assume liability for the damage caused by the collision? What if the asteroid, rather than crashing into Earth, crashed instead into another asteroid owned by different entity? It makes sense that a company with actual possession of an asteroid should have a claim for actual mining equipment destroyed, but it seems unreasonable to treat the entire rock as the entity’s chattel. By limiting asteroid claims under a doctrine of appropriation-like system, society will be saved the headache of attempting to adjudicate such absurd situations.

Because the traditional rule of capture or a chattel system for the ownership of asteroids would result in waste, abstract claims, and absurd legal dilemmas, a modified doctrine of appropriation should replace existing outdated international space law relating to asteroids.’

#### Asteroid mining is an unqualified good – it’s essential to advanced asteroid deflection, deep space travel, and fighting climate change

Heise 18 -- Jack Heise (Judicial Law Clerk at U.S. Courts of Appeals), Space, the Final Frontier of Enterprise: Incentivizing Asteroid Mining Under a Revised International Framework, 40 Mich. J. Int'l L. 189 (2018). https://repository.law.umich.edu/mjil/vol40/iss1/5 WJ

Asteroid mining has the potential to facilitate space travel, an outcome the OST holds to be in the interest of humanity as a whole.39 The potential of asteroid mining to reduce the cost of spaceflight, moreover, could facilitate the growth of the space economy. Asteroid mining thus aligns with another stated purposes of the OST in the sense that an expanded space econ- omy could provide substantial benefits to all mankind.40 First, in seeking to face the challenges posed by space travel, the public sector space race gave rise to numerous technological innovations, ranging from LEDs to emergency blankets to memory foam.41 It seems likely that the private space race would result in a similar degree of innovation, the products of which could benefit people across the globe.

Second, a successful mission to Mars could provide benefits beyond a mere sense of interplanetary accomplishment. NASA suggests that, given the parallels between the formation and evolution of Mars and Earth, a voyage there could help “us learn more about our own planet’s history and future.”42 The scientific advancements from such a mission cannot currently be anticipated and are difficult to predict, but “expand[ing] the frontiers of knowledge” in this manner could well bring benefits to all mankind.43

Third, the development of asteroid mining technology could also help advance asteroid diversion tactics. The development of the technology required to conduct successful asteroid mining operations could “help us to divert any incoming asteroids.”44 This is of great importance since NASA recently eliminated its Asteroid Redirect Mission due to funding cuts;45 NASA’s project was hailed by some scientists as a “critical step in demonstrating we can protect our planet from a future asteroid impact . . . .”46 Asteroid mining could step in and fill an important void. While the probability of an Armageddon-causing impact is low, the effects of an impact would be extremely severe.47 Even some mitigation of this risk as a byproduct of as- teroid mining would be a benefit to humanity as a whole.

Finally, reduced launch costs could facilitate measures to combat global climate change. One proposed solution for canceling out predicted increases in average worldwide temperature is to “prevent[] . . . about 1% of incoming solar radiation—insolation—from reaching the Earth. This could be done by scattering into space from the vicinity of Earth an appropriately small frac- tion of total insolation.”48 Asteroid mining could facilitate such measures in that “[t]echnologies that could greatly decrease the cost of space-launch could make a telling difference in the practicality of all types of space- deployed scattering systems of scales appropriate to insolation modulation.”49 There are certainly intermediate measures to combat climate change that ought to be taken first, but asteroid mining would facilitate this expedited solution. While some of the benefits of asteroid mining would doubtless accrue primarily to those nations with asteroid mining companies within their borders, the benefits noted in this section—space exploration as a gen- eral proposition, technological and scientific development, improvement of asteroid diversion technology, and facilitated means of swiftly countering climate change—would inure substantially to the benefit of all mankind.

#### Asteroids have no significance beyond their finite resources – property rights for asteroids are necessary for deep space travel and rare metals

Myers 16 -- Ross Myers (J.D. candidate at the University of Oregon Law School.), The Doctrine of Appropriation and Asteroid Mining: Incentivizing the Private Exploration and Development of Outer Space, 2016, Oregon Review of International Law, https://scholarsbank.uoregon.edu/xmlui/bitstream/handle/1794/19850/Meyers.pdf?sequence=1 WJ

Asteroids are “metallic, rocky bodies without atmospheres that orbit the sun and are too small to be classified as planets.”33 Like water, asteroids are limited resources that are unconnected to any form of real property. Asteroids vary greatly in size, and are believed to consist primarily of metals and water, sometimes in staggering quantities.34 As such, asteroids may contain significant resources that would help serve to incentivize and facilitate the exploration of space.

Asteroids can be divided into classes, the three most commercially relevant being C-type, M-type, and S-type.35 C-type asteroids (carbonaceous) are the most common variety, and approximately half of the near Earth asteroids that are at least 1km large are C-type asteroids.36 These asteroids have a high content of water, hydrogen, and methane, all of which could potentially be mined to create rocket fuel on-site.37 Rocket fuel storage provides a limit on how far space vessels can be sent into deep space, so the creation of rocket fuel on asteroids would allow missions to probe deeper into space without having to bring enough fuel for a return trip. This could reduce the cost and difficulty of such endeavors significantly, allowing for more efficient exploration and development of deep space.

M-type asteroids (metallic) have the high radar reflectivity characteristic of metals,38 and are probably the most economically attractive targets for mining missions because of the commercial value of the metals in an Earth market. S-type asteroids (stony) are rocky mixtures of silicates, sulphides, and metals,39 but the metals they contain may not be as valuable as those found in M-type asteroids, so they will probably not be the target of initial space mining missions.

Recent scientific reports have suggested a single asteroid may contain staggering quantities of rare metals.40 One report estimated that a moderately sized (1 km) M-type asteroid with a fair enrichment in platinum group metals may contain twice the tonnage of platinum group metals already harvested on Earth combined with economically viable platinum group metal resources still in the ground.41 Put simply, it is believed a single asteroid could contain more platinum than has ever been mined or ever will be mined on Earth. While the economic gain from a mining mission on such an asteroid would be offset by the huge initial cost of reaching the asteroid and capturing the metals, this figure suggests mining missions to asteroids could be extremely profitable. Planetary Resources, a fledgling asteroid mining company, has already targeted a metallic asteroid for a possible future mining mission.42 According to Planetary Resources, this single asteroid may contain more platinum than has ever been mined on Earth.43

Scientific reports have also suggested asteroids may contain large quantities of volatiles, such as hydrogen and methane, which could potentially be broken down and used to synthesize rocket fuel and transport spacecraft between space environments.44 Several companies are already researching how to successfully mine the metals contained in asteroids by using frozen water contained in the asteroid to produce rocket fuel for a return journey.45

Asteroids are similar to water in many respects: both have economic and practical importance and limited availability; both exist as floating objects unconnected to land; and both are practically and commercially important to society and many different industries both in the context of space travel, and in the context of natural resource acquisition. However, unlike water, under the current international treaties regarding space, claims by either private or government entities on celestial objects are prohibited.46

#### Prohibitions on appropriation prevent asteroid mining despite growing space industries

Myers 16 -- Ross Myers (J.D. candidate at the University of Oregon Law School.), The Doctrine of Appropriation and Asteroid Mining: Incentivizing the Private Exploration and Development of Outer Space, 2016, Oregon Review of International Law, https://scholarsbank.uoregon.edu/xmlui/bitstream/handle/1794/19850/Meyers.pdf?sequence=1 WJ

Despite a decrease in national space program funding, corporate space missions are on the rise. In 2010, President Obama proposed that NASA exit the business of flying astronauts from Earth to low Earth orbit and move it to private companies.52 Several companies have stepped up to bat, and corporate space programs now include space tourism, supply missions, and in one case a one-way colonization mission to Mars.53 Corporate interest in space tourism and development demonstrates a strong private commercial interest in space as an industry, which could serve to finance the exploration of space in a period where national governments do not have an active financial interest in space. However, under current international treaties, the ownership of asteroids is prohibited, preventing corporations willing to invest in asteroid mining from having a secure claim.

#### Warming causes extinction

Yangyang Xu 17, Assistant Professor of Atmospheric Sciences at Texas A&M University; and Veerabhadran Ramanathan, Distinguished Professor of Atmospheric and Climate Sciences at the Scripps Institution of Oceanography, University of California, San Diego, 9/26/17, “Well below 2 °C: Mitigation strategies for avoiding dangerous to catastrophic climate changes,” Proceedings of the National Academy of Sciences of the United States of America, Vol. 114, No. 39, p. 10315-10323

We are proposing the following extension to the DAI risk categorization: warming greater than 1.5 °C as “dangerous”; warming greater than 3 °C as “catastrophic?”; and warming in excess of 5 °C as “unknown??,” with the understanding that changes of this magnitude, not experienced in the last 20+ million years, pose existential threats to a majority of the population. The question mark denotes the subjective nature of our deduction and the fact that catastrophe can strike at even lower warming levels. The justifications for the proposed extension to risk categorization are given below.

From the IPCC burning embers diagram and from the language of the Paris Agreement, we infer that the DAI begins at warming greater than 1.5 °C. Our criteria for extending the risk category beyond DAI include the potential risks of climate change to the physical climate system, the ecosystem, human health, and species extinction. Let us first consider the category of catastrophic (3 to 5 °C warming). The first major concern is the issue of tipping points. Several studies (48, 49) have concluded that 3 to 5 °C global warming is likely to be the threshold for tipping points such as the collapse of the western Antarctic ice sheet, shutdown of deep water circulation in the North Atlantic, dieback of Amazon rainforests as well as boreal forests, and collapse of the West African monsoon, among others. While natural scientists refer to these as abrupt and irreversible climate changes, economists refer to them as catastrophic events (49).

Warming of such magnitudes also has catastrophic human health effects. Many recent studies (50, 51) have focused on the direct influence of extreme events such as heat waves on public health by evaluating exposure to heat stress and hyperthermia. It has been estimated that the likelihood of extreme events (defined as 3-sigma events), including heat waves, has increased 10-fold in the recent decades (52). Human beings are extremely sensitive to heat stress. For example, the 2013 European heat wave led to about 70,000 premature mortalities (53). The major finding of a recent study (51) is that, currently, about 13.6% of land area with a population of 30.6% is exposed to deadly heat. The authors of that study defined deadly heat as exceeding a threshold of temperature as well as humidity. The thresholds were determined from numerous heat wave events and data for mortalities attributed to heat waves. According to this study, a 2 °C warming would double the land area subject to deadly heat and expose 48% of the population. A 4 °C warming by 2100 would subject 47% of the land area and almost 74% of the world population to deadly heat, which could pose existential risks to humans and mammals alike unless massive adaptation measures are implemented, such as providing air conditioning to the entire population or a massive relocation of most of the population to safer climates.

Climate risks can vary markedly depending on the socioeconomic status and culture of the population, and so we must take up the question of “dangerous to whom?” (54). Our discussion in this study is focused more on people and not on the ecosystem, and even with this limited scope, there are multitudes of categories of people. We will focus on the poorest 3 billion people living mostly in tropical rural areas, who are still relying on 18th-century technologies for meeting basic needs such as cooking and heating. Their contribution to CO2 pollution is roughly 5% compared with the 50% contribution by the wealthiest 1 billion (55). This bottom 3 billion population comprises mostly subsistent farmers, whose livelihood will be severely impacted, if not destroyed, with a one- to five-year megadrought, heat waves, or heavy floods; for those among the bottom 3 billion of the world’s population who are living in coastal areas, a 1- to 2-m rise in sea level (likely with a warming in excess of 3 °C) poses existential threat if they do not relocate or migrate. It has been estimated that several hundred million people would be subject to famine with warming in excess of 4 °C (54). However, there has essentially been no discussion on warming beyond 5 °C.

Climate change-induced species extinction is one major concern with warming of such large magnitudes (>5 °C). The current rate of loss of species is ∼1,000-fold the historical rate, due largely to habitat destruction. At this rate, about 25% of species are in danger of extinction in the coming decades (56). Global warming of 6 °C or more (accompanied by increase in ocean acidity due to increased CO2) can act as a major force multiplier and expose as much as 90% of species to the dangers of extinction (57).

The bodily harms combined with climate change-forced species destruction, biodiversity loss, and threats to water and food security, as summarized recently (58), motivated us to categorize warming beyond 5 °C as unknown??, implying the possibility of existential threats. Fig. 2 displays these three risk categorizations (vertical dashed lines).

#### The standard is maximizing expected wellbeing.

#### Prefer it:

#### 1] Actor specificity:

#### A] Aggregation – every policy benefits some and harms others, which also means side constraints freeze action.

#### B] No act-omission distinction – choosing to omit is an act itself – governments decide not to act which means being presented with the aff creates a choice between two actions, neither of which is an omission

#### C] No intent-foresight distinction – If we foresee a consequence, then it becomes part of our deliberation which makes it intrinsic to our action since we intend it to happen

#### 2] Lexical pre-requisite: threats to bodily security preclude the ability for moral actors to effectively act upon other moral theories since they are in a constant state of crisis that inhibits the ideal moral conditions which other theories presuppose

#### 3] Only consequentialism explains degrees of wrongness—if I break a promise to meet up for lunch, that is not as bad as breaking a promise to take a dying person to the hospital. Only the consequences of breaking the promise explain why the second one is much worse than the first. Intuitions outweigh—they’re the foundational basis for any argument and theories that contradict our intuitions are most likely false even if we can’t deductively determine why.

## CI

CInterp: The NEG doesn’t have to disclose past 2 NR’s if there is contact info

Standards: educationL in the circuit there may be someone who forgot to submit the soruces, so its better for novces to learn how to deal with it

Reciprocity: the NEG is adaptive and fluctuates, it woundt evne matter becuaese everything we read is new

Evidence ETHICS: CONTACT CHECLS YOU CAN CHECK EVIDECEN SOURCES AND QUALITY AS LONG as you have cases, we wouldn have givne it to you is you emailed

Depth of clash: tit is more education is the affirmative thinks on their feet, and hypothetically, is they had all of our position it would skew strat for the AFF, because they could prepo out the AR which gives them 2 prewritten speeches, kills fariness and debate

# AC FW

#### Problem of closeness – intent can always be explained in a manner that erases the harms of the action and causes a repugnant conclusion—consequences must be relevant

Nelkin and Rickless ’15

Dana Kay Nelkin [University of California, San Diego] Samuel C. Rickless [University of California, San Diego] “So Close, Yet So Far: Why Solutions to the Closeness Problem for the Doctrine of Double Effect Fall Short” NOUS 49:2 (2015) 376–409. IB

Even assuming that these case-pairs provide intuitive support for DDE, there is one problem for DDE that appears intractable: the closeness problem. The closeness problem arises from the fact that there are cases very similar to, and apparently morally indistinguishable in the relevant respects from, cases such as Terror Bomber in which the relevant agents arguably do not intend death or any other kind of harm, but rather intend some other state of affairs that is causally responsible for (or otherwise connected by some relation other than identity to) death or harm. In Terror Bomber, the bomber is described as intending the deaths of innocent enemy civilians (as a means to ending the war by terrorizing the enemy population). But consider now Sophisticated Terror Bomber:

Sophisticated Terror Bomber

A bomber (fighting a just war) drops a bomb on an enemy munitions factory, intending “only that [the enemy civilians’] bodies should be in a state that would cause a general belief that they were dead, this lasting long enough to shorten the war: nothing in that scheme requires that the dismaying condition of the bodies be permanent; so nothing in it requires that the [enemy civilians] become downright dead rather than merely seemingly dead for a year or two.”10

The reaction of many is that the actions of the bomber in Sophisticated Terror Bomber are just as difficult to justify, other things being equal, as the actions of the bomber in Terror Bomber, and that it is therefore more difficult, other things being equal, to justify the actions of the bomber in Sophisticated Terror Bomber than it is to justify the actions of the bomber in Strategic Bomber. The problem, though, is that it appears from the description that the bomber in Sophisticated Terror Bomber does not actually intend the deaths of the enemy civilians that are impacted by the bombs; nor does it appear that the bomber intends that the enemy civilians who are impacted by the bombs be harmed by the impact. The bomber in the case intends that the enemy civilians be sufficiently impacted by the bombs so as to appear to be dead long enough to significantly increase the chances of enemy surrender. And this appears to be compatible with the bomber’s not intending that the enemy civilians suffer death or serious harm, whether the bomber believes or does not believe that the impact of the bombs on the enemy civilians’ bodies will cause death or serious injury. The structure of the bomber’s intentions in Sophisticated Terror Bomber therefore seems indistinguishable in all relevant respects from the structure of the bomber’s intentions in Strategic Bomber: both bombers intend a state of affairs (the bombs’ exploding in the munitions factory, the bombs’ impacting the enemy civilians’ bodies in such a way as to make them appear dead) that is causally sufficient for harm (the death of enemy civilians), foreseeing the harm without intending it. But if this is so, then DDE predicts, contrary to our intuitions, that the bomber’s actions in Sophisticated Terror Bomber and in Strategic Bomber are equally justifiable, and that it is, other things being equal, more difficult to justify the bombing in Terror Bomber than it is to justify the bombing in Sophisticated Terror Bomber. If our intuitions about the cases should be trusted, it follows that DDE is false.

The fact that the pair (Strategic Bomber, Terror Bomber) is susceptible to the closeness problem is not an artifact of these particular cases. The same sort of difficulty arises in all the other cases too. Indeed, some of these cases already raise the problem without being redescribed! In Guinea Pig, for example, what the doctors intend is that the disease progress sufficiently to allow for the acquisition of additional knowledge that will help prevent the disease in a greater number of future cases. In intending that the disease progress in this way, the doctors do not appear to be intending that the relevant patients suffer harm (or death); rather, they merely foresee that the progression of the disease will harm the patients. In this way, the structure of the intentions belonging to the doctors in Guinea Pig appears relevantly similar to the structure of the intentions belonging to the doctors in Direction of Resources. In both cases, the doctors foresee, but do not intend, harm. Given these facts, it follows from DDE that there is no morally relevant difference between what the doctors refrain from doing in Guinea Pig and what the doctors refrain from doing in Direction of Resources. And yet our intuitions suggest, as we have seen, that it is, other things being equal, more difficult to justify the doctors’ omission to treat the stubborn cases in Guinea Pig than it is to justify the doctors’ omission to treat the stubborn cases in Direction of Resources. If this is true, then when the structure of intentions in the cases is properly described and understood, the pair (Direction of Resources, Guinea Pig) counts as evidence against, rather than as evidence for, DDE.

Matters are no different in the case of (Trolley, Large Man) and (Hysterectomy, Craniotomy). In Large Man, the bystander pushes the large man in the path of the trolley as a means of saving the five, but it appears that nothing about the case requires us to suppose that the bystander must intend that the large man suffer harm (or death). We said above that the bystander intends the harmful impact, but this claim is ambiguous; on one reading, the claim appears true, while on another the claim appears false. To intend a harmful impact might be to intend the impact along with its harmfulness, but it might also be to intend an impact that, as it happens, is also harmful. And on the former reading, it seems false, strictly speaking, to say that the bystander intends the harm that comes to the large man. All that the bystander intends is that the body of the large man stop the trolley from hitting the five. As far as the bystander is concerned, whether the trolley actually harms or kill the large man is nothing to her purpose. So here again the structure of intentions of the bystander in Large Man, properly understood, does not differ in any relevant respects from the structure of intentions of the bystander in Trolley. In Craniotomy, the doctor crushes the fetus’s skull as a means of saving the mother’s life, but it appears that nothing about the case requires us to suppose that the doctor intends that the fetus suffer harm (or death). The Craniotomy doctor could just as easily be described as intending that the fetus’s head be modified in such a way as to permit egress from the mother’s body, and this seems compatible with the doctor’s not intending the harm (or death) that crushing the fetus’s skull will bring about. Here too the structure of intentions of the doctor in Craniotomy appears to differ in no relevant way from the structure of intentions of the doctor in Hysterectomy. In both cases, the doctors are aiming to produce a state of affairs (removal from the womb, crushing of the skull) that happens to be causally, but contingently, related to the harm (i.e., death) it brings about. DDE, then, entails that what the bystander does in Large Man (what the doctor does in Craniotomy) is morally no more difficult to justify, other things being equal, than what the bystander does in Trolley (what the doctor does in Hysterectomy). And yet, on careful reflection, the cases strike us as morally distinguishable.

## Practical Reason

#### Begs the question – says reasons have to be universal because reasons apply in all instances, but the conclusion is contained in that premise—defining reasons as universalizable is unjustified.

#### 1.This falsely conflates reason and the sort of practical rationality their authors are talking about. Reasons are simply justifications for acting in a certain way or supporting arguments for a logical proposition whereas their authors are talking about a statement of universal validity based in pure reason. Conceding that we act for reasons, doesn’t concede anything more than there must be a “because” statement following our actions. However, this concession doesn’t entail or segue into any particular interpretation of philosophical reason.

#### 2.Just because we give reasons for actions doesn’t mean that all moral theories must be premised on reason. Kantian Reason arbitrarily identifies reason as the moral quality of an action but lacks a reason why the other qualities of a particular action, lost when reason is universalized

#### 3.Practical reason isn’t normative because we can have reasons to act without reflection, and we can act without a good reason despite reflection. Silverstein

Silverstein, Matthew. Korsgaard on Normativity. Columbia/NYU Graduate Conference in Philosophy. 2004. pg. 4.]

Despite this misunderstanding, though, Parfit’s objection still stands. Even if Korsgaard’s notion of normative force is not reducible to motivating force, it remains unsatisfyingly subjective. Consider her claim that the term reason refers to a sort of “reflective success.” Reflective success may be required for us to act for a reason, but—Parfit argues—we can have a reason to act withoutsuccessfullyreflecting(or even reflecting at all**).** If my friend is in pain, then I have a reason torun to hisaid, even if his need never enters my mind. For Parfit, a good reason has normative force whether we confront [it]that forceduring deliberation or not**.** Moreover, we cansuccessfullyreflect on a set of considerations and then act accordingly without having a good reason to do so**.** Thus,reflective success [is**]** seems to be neither a necessary nor a sufficient condition for a considerationto count as a reason for action. According to Parfit, full-blooded normativity or justification involves more than justification from the agent’s own, first-person perspective; and if Korsgaard’s theory reduces the former to the latter, she has lost the normativity in her attempt to discover its source.

#### On their 1, A system of respecting equal freedom fails—ignores personal interests.

Tadros 11 Victor, University of Law at Warwick College. "Independence Without Interests?" Oxford Journal of Legal Studies, Vol. 31, No. 1 (2011), pp. 193-213

One reason why Ripstein thinks it possible to preserve an ‘interest-free’ conception of equal freedom is that he believes that the right that people have to set their own ends is unqualified.26 If we restrict ourselves to the question whether a person may use another to pursue his own purposes, this account has some plausibility (though even then it is extreme). Many people think that it is wrong to use another person as a means to one’s ends even for the sake of a greater good. For example, it is wrong to kill one person as a means to save five. Even this principle has limits, though. Suppose that I can save the lives of five people only by nudging you into a lever without your consent, causing you to be bruised. Ripstein’s account implausibly implies that this is wrong: I would be usurping your powers for the sake of the five. The idea of independence unqualified by interests is also inconsistent with an enforceable duty to rescue. Kant believed that the duty to rescue is unenforceable. Nudging you, in the previous example, is not importantly different to forcing you to be involved in the rescue of the five.27 There are limits on how the duty to rescue can be enforced and there are limits on the costs that a person must bear to prevent another person being killed, but abandoning an enforceable duty to rescue altogether is unappealing.¶ In a footnote,28 Ripstein indicates that if there is a duty to rescue it must have another source. But the duty conflicts with the Kantian view as presented, as Ripstein himself notes,29 and it cannot be made plausible without appealing to interests. In accepting that the duty to rescue is enforceable, we would also open the door to appealing to interests in other ways in determining the scope of our rights and duties.¶ Ripstein does provide an argument for an enforceable duty to rescue for those in a rightful condition, an argument that I consider below. As we will see, that argument is limited in its scope. But it is also difficult to believe that the enforceability of this duty depends on our being in a ‘rightful condition’. For example, people living under Nazi rule in Germany were not in a rightful condition by Ripstein’s own lights: those governed by a law that has slavery or genocide at its foundation are in a barbaric condition.30 This suggests that if one person in Nazi Germany refused to rescue one thousand others, even though he could do so at no cost to himself, it would normally be wrong to force him to do so. This is hard to believe.¶ Things get worse when we consider interference with another person’s body as a side-effect of my actions. If we are to maintain a right against interference that cannot be defeated by interests, it is wrong for me to interfere with you as a side-effect even if doing so is necessary to protect my fundamental interests.¶ Suppose that I am running away from a raging rhino. I am running along a narrow path where you are standing. You are looking at some pretty flowers by the side of the path. I can escape the rhino, but only by bumping you out of the way. Ripstein’s view implies that I must stop and be gorged to death by the rhino rather than bumping you out of the way. In bumping you out of the way I would interfere with your body, which you need to pursue your purposes of looking at the flowers. Or imagine that a boulder is about to fall on my head killing me. I can divert it away from myself but if I do so it will bruise your foot. Ripstein’s view implies that it would be wrong for me to do this. Even those who are very strict in applying the means principle will reject these conclusions.

#### On 2

#### NC collapses to the AC—if each person has infinite value, having more of that value is a good thing so you have to aggregate

#### On 3, Wihtout understanding degrees of wrongness, this point is useless, the only way we can solve is util

#### The

#### On 4, States can’t have some unified intent—deont fails for them. Best for counties and people os util

Robert E. Goodin 95 [professor of government at the University of Essex, and professor of philosophy and social and political theory at Australian National University], “Utilitarianism as a Public Philosophy”, Cambridge Studies in Philosophy and Public Policy, May 1995, BE

The great advantage of utilitarianism as a guide to public conduct is that it avoids gratuitous sacrifices, it ensures as best we are able to ensure in the uncertain world of public policy-making that policies are sensitive to people’s interests or desires or preferences. The great failing of more deontological theories, applied to those realms, is that they fixate upon duties done for the sake of duty rather than for the sake of any good that is done by doing one's duty. Perhaps it is per- missible (perhaps it is even proper) for private individuals in the course of their personal affairs to fetishize duties done for their own sake. It would be a mistake for public officials to do likewise, not least because it is impossible. The fixation on motives makes absolutely no sense in the public realm, and might make precious little sense in the private one even, as Chapter 3 shows. The reason public action is required at all arises from the inability of uncoordinated individual action to achieve certain morally desirable ends. Individuals are rightly excused from pursuing those ends. The inability is real; the excuses, perfectly valid. But libertarians are right in their diagnosis, wrong in their prescription. That is the mes- sage of Chapter 2. The same thing that makes those excuses valid at the individual level - the same thing that relieves individuals of re- sponsibility - makes it morally incumbent upon individuals to organ- ize themselves into collective units that are capable of acting where they as isolated individuals are not. When they organize themselves into these collective units, those collective deliberations inevitably take place under very different cir- cumstances, and their conclusions inevitably take very different forms. Individuals are morally required to operate in that collective manner, in certain crucial respects. But they are practically circumscribed in how they can operate, in their collective mode. And those special con- straints characterizing the public sphere of decision-making give rise to the special circumstances that make utilitarianism peculiarly apt for public policy-making, in ways set out more fully in Chapter 4. Gov- ernment house utilitarianism thus understood is, I would argue, a uniquely defensible public philosophy.”

#### Ripstein is false – people can will ends with intrinsic biases and coercion – i.e. people might eat eggs because of social norms that indoctrinate them, meaning your will is never your own.

#### 2 Hijack—only util can account for degrees of wrongness, telling someone their shirt looks nice when it doesn’t is better than telling a slave owner where a runaway slave is which means aggregation controls the internal link to your fw

#### 3. if each person has infinite value, having more of that value is a good thing so you have to aggregate

## Koorsgard

#### Knowing any moral truths solves justificatory regress—means our framework answers your meta-ethic, that solve point 2 and 3

Derek Parfit 11, [Research Fellow at All Soul’s College Oxford; visiting professor of philosophy at NYU/Harvard/Rutgers], On What Matters Volume 1, Oxford University Press.

As before, Korsgaard ignores the realist’s view. Any reason, she assumes, must be derived from some maxim, or principle, which we have adopted. To solve Korsgaard’s problem, **we must find some principle about which we cannot or need not ask why we have *chosen* it.** According to realists, **we should try to find some truths about what we have reason to want**, and do. **If there are such truths, these are not principles that we *adopt* or *choose*. We *believe* truths. And if we both believe such truths, and** know why we ought to believe them, that would end Korsgaard’s justificatory regress. Though it would not be impossible or incoherent

#### The world is not perfect, so even if they win their framework, we should use a non-ideal theory—actions should be taken to lead to a goal, a consequence, of the good rather than pursuing it as an absolute ideal., their author

Christine **Korsgaard 86**, “The Right to Lie: Kant on Dealing with Evil”, Philosophy and Public Affairs 15, no 4, 1986, BE

Non-ideal conditions exist when, or to the extent that, the special conception of justice cannot be realized effectively. In these circumstances our conduct is to be determined in the following way: the special conception becomes a goal, rather than an ideal to live up to: we are to work towards the conditions in which it is feasible. For instance, suppose there is a case like this: widespread poverty or ignorance due to the level of economic development is such that the legal establishment of the equal liberties makes no real difference to lot of the disadvantaged members of society. It's an empty formality. On the other hand, some inequality, temporarily instituted, would actually tend to foster conditions in which equal liberty could become a reality for everyone. In these circumstances, Rawls's double-level theory allows for the temporary inequality. (§§ 11,39) The priority rules give us guidance as to which features of the special conception are most urgent. These are the ones that we should be striving to achieve as soon as possible. For example, if formal equal opportunity for blacks and women is ineffective, affirmative action measures may be in order. If some people claim that this causes inefficiency at first, it is neither here nor there, since equality of opportunity has priority over efficiency. The special conception may also tell us which of our non-ideal options is least bad, closest to ideal conduct. For instance, civil disobedience is better than a resort to violence not only because violence is bad in itself, but because of the way in which civil disobedience expresses the democratic principles of the just society it aspires to bring about. (§ 59) Finally, the general conception of justice commands categorically. In sufficiently bad circumstances none of the characteristic features of the special conception may be realizable. But there is no excuse, ever, for violation of the general conception. If inequalities are not benefiting those on the lower end of them in some way, they are simply oppression. The general conception, then, represents the point at which justice becomes uncompromising.18¶ A double-level theory can be contrasted to two types of single-level theory, both of which in a sense fail to distinguish the way we should behave in ideal and in non- ideal conditions, but which are at opposite extremes. A consequentialist theory such as utilitarianism does not really distinguish ideal from non-ideal conditions. Of course, the utilitarian can see the difference between a state of affairs in which everyone can be made reasonably happy and a state of affairs in which the utilitarian choice must be for the "lesser of evils", but it is still really a matter of degree. In principle we do not know what counts as a state in which everyone is "as happy as possible" absolutely. Instead, the utilitarian wants to make everyone as happy as possible relative to the circumstances, and pursues this goal holds regardless of how friendly the circumstances are to human happiness. The difference is not between ideal and non- ideal states of affairs but simply between better and worse states of affairs.¶ Kant's theory as he understood it represents the other extreme of single-level theory. The standard of conduct he sets for us is designed for an ideal state of affairs: we are always to act as as if we were living in a Kingdom of Ends, regardless of possible disastrous results. Kant is by no means dismissive towards the distressing problems caused by the evil conduct of other human beings and the unfriendliness of nature to human ideals, but his solution to these problems is different. He finds in them grounds for a morally motivated religious faith in God.19 Our rational motive for belief in a moral author of the world derives from our rational need for grounds for hope that these problems will be resolved. Such an author would have designed the laws of nature so that, in ways that are not apparent to us, our moral actions and efforts do tend to further the realization of an actual Kingdom of Ends. With faith in God, we can trust that a Kingdom of Ends will be the consequence of our actions as well as the ideal that guides them. In his A Critique of Utilitarianism 20, Bernard Williams spells out some of the unfortunate consequences of what I am calling single-level theories. According to Williams, the consequentialist's commitment to doing whatever is necessary to secure the best outcome may lead to violations of what we would ordinarily think of as integrity. There is no kind of action that is so mean or so savage that it can never lead to a better outcome than the alternatives. A commitment to always securing the best outcome never allows you to say "bad consequences or not, this is not the sort of thing I do; I am not that sort of person." And no matter how mean or how savage the act required to secure the best outcome is, the utilitarian thinks that you will be irrational to regret that you did it, for you will have done what is in the straightforward sense the right thing.21 A Kantian approach, by defining a determinate ideal of conduct to live up to rather than setting a goal of action to strive for, solves the problem about integrity, but with a high price. The advantage of the Kantian approach is the definite sphere of responsibility. Your share of the responsibility for the way the world is is well-defined and limited, and if you act as you ought, bad outcomes are not your responsibility. The trouble is that in cases such as that of the murderer at the door it seems grotesque simply to say that I have done my part by telling the truth and the bad results are not my responsibility.¶ The point of a double-level theory is to give us both a definite and well-defined sphere of responsibility for everyday life and some guidance, at least, about when we may or must take the responsibility of violating ideal standards. The common sense approach to this problem uses an intuitive quantitative measure: we depart from our ordinary rules and standards of conduct when the consequences of following them would be "very bad." This is unhelpful for two reasons. First, it leaves us on our own about determining how bad. Second, the attempt to justify it leads down a familiar consequentialist slippery slope: if very bad consequences justify a departure from ordinary norms, why do not slightly bad consequences justify such a departure? A double-level theory substitutes something better than this rough quantitative measure. In Rawls's theory, for example, a departure from equal liberty cannot be justified by the fact that the consequences of liberty are "very bad" in terms of mere efficiency. This does not mean that an endless amount of inefficiency will be tolerated, because presumably at some point the inefficiency may interfere with the effectiveness of liberty. One might put the point this way: the measure of "very bad" is not entirely intuitive but rather, bad enough to interfere with the reality of liberty. Of course this is not an algorithmic criterion and cannot be applied without judgment, but it is not as inexact as a wholly intuitive quantitative measure, and, importantly, does not lead to a consequentialist slippery slope.¶ Another advantage of a double-level theory is the explanation it offers of the other phenomenon which Williams is concerned about: that of regret for doing a certain kind of action even if in the circumstances it was the "right" thing. A double-level theory offers an account of at least some of the occasions for this kind of regret. We will regret having to depart from the ideal standard of conduct, for we identify with this standard and think of our autonomy in terms of it. Regret for an action we would not do under ideal circumstances seems appropriate even if we have done what is clearly the right thing.

#### identity doesn’t motivate action and can’t escape Korsgaard’s own critique of Kant.- their author

LYDIA L. MOLAND 8 [colby college], “COMMITMENTS OF A DIVIDED SELF: AUTHENTICITY, AUTONOMY AND CHANGE IN KORSGAARD’S ETHICS”, OrIGINAL scIENtIFIc PAPEr, EUJAP VOL. 4 No. 1 2008, BE

Korsgaard, as we have seen, focuses key claims in her argument around an agent’s fear that, should he not act according to a given part of his practical identity, he will lose his integrity and so his sense of himself. This focus on our fear of disintegration seems to me to yield results that are no better than the unduly harsh results Korsgaard tries to avoid. to claim that if you violate your chosen standards, you lose “the description under which you value yourself and find your life to be worth living” and are “dead or worse than dead” is, if we consider our daily actions, certainly to overstate the case.12 Perhaps in extreme situations we indeed face such extreme consequences. but this surely does not infer that every obligation-inspired action is an outgrowth of such acute fear. Aside from the fact that we often disregard our obligations without the fear of, let alone the serious threat of, disintegration (a fact Korsgaard acknowledges13), it is also true that much of the time we act according to our commitments because we want to, because it gives us joy, or simply because it is what we habitually do, what unproblematically belongs to the commitment itself. I doubt Korsgaard would deny this: she says, after all, that an obligation is unconditional only when an action involves violating “some fundamental part” of a person’s identity. but she also writes, as we remember, that “[a]n obligation always takes the form of a reaction against a threat of a loss of identity” (Korsgaard 1996, p. 102). Korsgaard seems then committed to the idea that we at least subconsciously have the specter of disintegration before us at every moment, that every action is motivated ultimately by a fear of being dead or worse than dead.¶ Not only does this position seem descriptively false: Korsgaard’s emphasis on disintegration means that her position fails also to improve on the overly harsh emphasis on impartiality Korsgaard earlier criticized in Kant. In an attempt to avoid describing actions as moral only when they are based on “rational impulses,” her position instead depicts them as motivated by self-interest. The husband, because he is human, needs reasons on which to act. being a husband gives him reasons to save his wife. true: the husband no longer saves his drowning wife out of principled duty; he saves her instead because he couldn’t live with himself if he didn’t—because he would disintegrate if he were to fail such a central commitment. Perhaps he truly couldn’t live with himself if he didn’t: but is that why he saves her? If it is, is that any improvement over saving her out of duty? If we accept that actions undertaken in the name of friendship, loyalty, family, dedication, and conviction are all at basis motivated by self-preservation, do we restore to those actions the natural, emotional, or instinctive quality that Kant seems to deny them? I think not: in which case Korsgaard’s redescription of Kant’s ethics does not achieve its goal.¶ The wife’s complaint might also be reinforced by Korsgaard’s description of what exactly makes the husband’s commitment to her valuable. Our actual commitments are, to repeat, necessary since our humanity requires that we have reasons on which to act. This idea suggests, as Korsgaard says, that “other practical identities [than moral identity] depend for their normativity on the normativity of our human identity” (Kors gaard 1996, p. 125). Later she says that “moral identity is what makes it necessary to have other forms of practical identity, and they derive part of their importance, and so part of their normativity, from it. They are important in part because we need them” (Korsgaard 1996, p. 129). Again here, we can imagine the wife protesting at the idea that the importance and normativity of her husband’s efforts on her behalf derive from his need to have a normative identity. Perhaps, she might say, this is not one reason too many but one identity too many.

## AND

#### It can become a goal, not an ideal—the neg is a best step towards that.

Christine **Korsgaard 86**, “The Right to Lie: Kant on Dealing with Evil”, Philosophy and Public Affairs 15, no 4, 1986, BE

If the account that I have given is correct, the resources of a double-level theory may be available to the Kantian. The Formula of Humanity and its corollary, the vision of a Kingdom of Ends, provide an ideal to live up to in daily life as well as a long term political and moral goal for humanity. But it is not feasible always to live up to this ideal, and where the attempt to live up to it would make you a tool of evil, you should not do so. In evil circumstances, but only then, the Kingdom of Ends can become a goal to seek rather than an ideal to live up to, and this will provide us with some guidance. The Kantian priorities - of justice over the pursuit of obligatory ends, and of respect over benevolence - still help us to see what matters most. And even in the worst circumstances, there is always the Formula of Universal Law, telling us what we must in not in any case do. For whatever bad circumstances may drive us to do, we cannot possibly be justified in doing something which others in those same circumstances could not also do. The Formula of Universal Law provides the point at which morality becomes uncompromising.

## Independently

#### 1. Epistemology hijack—epistemology outweighs in terms of fw justifications—it determines how we create knowledge and determine a fw in the first place; only util accounts for all forms of epistemology such as aposteriori knowledge

#### 2. Actor spec—even if Kant were true, our aspec argument indicates that moral actions committed by the state are evaluated via consequences based on how the public perceives it—perception outweighs and controls int link to your fw since agency is the basis of your fw

#### 3. Choice architecture like pulling on a push door proves instinct comes before rationality and maintaining it is an impossible burden

#### 4. Kantian philosophy is homophobic—universality justifies homophobic actions since Kant held that actions like gay sex weren’t universizable and means you should reject their fw because its bad for inclusion – a) you set a precedent for people being allowed to use oppressive theories within debate – makes debate actively unsafe and pushes marginalized groups out of debate – that’s an independent reason to drop you because the judge has an apriori obligation to reject oppression to make debate more inclusive – access is a multiplier to all your impacts b) any other model of debate leads to a race to the bottom where debaters say “this is not bad enough” which is bad for inclusion and also pushes marginalized debaters out

#### 5. If you have an infinite responsibility to the other, it leaves your views to be coopted in a way that’s unjust to yourself; for example, someone who is assaulted by someone else may not criticize their motives. This makes the aff self-defeating, to perceive the other as valuable, we must first value ourselves, but infinite obligations are self-degrading

## AND

#### You should feel comfortable discarding abstract principles in the face of mass death

Buha 10 [Mark J. Buha, Rule Utilitarian and Deontologist Perspectives on Comparisons of Torture and Killing, 2 Wash. U. Jur. Rev. 304 (2010). //BWSWJ]

Deontologists, like rule utilitarians, devise rules that must be followed universally. Deontologists and rule utilitarians differ only in what criteria they use to formulate these rules. Rule utilitarians use only pleasure and pain. They hold that any act that maximizes pleasure and minimizes pain when applied universally is good. Deontologists evaluate actions under an entirely different rubric than rule utilitarians,72often focusing on the mental state of the actor or whether the act violates another's rights.73If it violates another's rights, it is strictly forbidden, regardless of the consequences. 74 Deontologists tend to treat each individual separately as an end in itself.75Applying this analysis, many deontologists forbid torture under all circumstances.? see torture as a particularly repugnant violation of individual rights. It requires specific intent, deprives the victim of dignity, and invades the victim's physical and psychological integrity. Provided grave enough consequences, this uncompromising position represents a fanaticism77and "moral fundamentalism"' that is difficult to defend. Hardly anyone finds it acceptable to rigidly adhere to an abstract moral principle—no matter how sound the principle appears in isolation—when doing so results in the death of hundreds or thousands of people.Deontologists allow catastrophe and mass death to occur to protect a single individual simply because torture violates his or her rights. The infamous "ticking time bomb" hypothetical illuminates these objections. In this scenario, a bomb is located in a crowded city. If detonated, it will destroy the entire city and millions will die. The bomb's location is unknown, and there is not enough time for a general search. Law enforcement apprehends one of the bomb's planters who knows the bomb's location and how to deactivate it. If the terrorist divulges the information, law enforcement has enough time to disable the bomb. Given these facts, few would adhere to principle; most would torture the individual in order to extract information that would save millions. This hypothetical presses deontology to its ideological limits. Once the prohibitionist admits he would allow torture in this situation, he concedes that his opposition to torture is not based on principle alone, but on something else.8° Deontologists respond with both logical and empirical objections to the ticking time bomb hypothetical's seductive simplicity. First, as Richard Matthews points out, the argument may be valid, but it is unsound, and therefore it cannot seriously undermine any position on torture.81The ticking bomb argument sets forth an "if-then" conditional: if these facts exist, then a reasonable person would torture.82If the antecedent holds, the consequence follows. But the hypothetical assumes the antecedent's truth without providing any proof. Valid but not sound, the hypothetical proves nothing. If we accepted mere validity, anything could be proven.83 Second, deontologists point out how unlikely it is that the antecedent facts would ever simultaneously exist in the real world. Although each premise has an empirical likelihood of being false, the hypothetical assumes that (1) an actual terrorist threat exists, (2) the threat is imminent, (3) the threat is sufficiently dangerous to justify torture, (4) the apprehended suspect possesses any information relevant to the threat, (5) only a single individual possesses all of the information necessary to extinguish the threat, (6) the individual participated in the attack or is a wrongdoer, (7) torture will be effective in forcing the subject to disclose information, (8) the information disclosed is truthful, and (9) the torturer can distinguish truthful and false information simply by observing the subject. The distinct unlikelihood that all nine elements will simultaneously exist in the real world renders the example almost irrelevant, useful only as a thought exercise.84 While these criticisms expose the assumptions in the ticking time bomb hypothetical, they ultimately avoid the issue. While it might be extremely unlikely that such factual circumstances will ever exist, it is not conceptually impossible. The fact remains that rigid deontology allows the bombs to go off in that scenario, however unlikely. Deontologists allow the world to explode to avoid violating the rights of a single individual.

# CASE

OUTRIGHT, offense 1 and 2 only relate to KANT, we took out kant, they have no weight under util

3)

a) doesn’t link It doesn’t run counter, because we go through normal means and fo through the doctrine of appropriation

b) we literally amend the OST so the Eijik card doesn’t appl

4) It’s about cost and money, but gov will give more subsidies to priv companies to asteroid mine, because of the cost incentive, that means less taxation

b) We link out, because it talks about braod space adventures, not AM

c) Magnitude outweighs, not doing AM is extinction