# Toc r2 1nc

## 1

**Permissibility and presumption negate:**

**[1] Resolution indicates the affirmative has to prove a proactive obligation, and permissibility would deny the existence of an obligation**

**[2] Logic – Propositions require positive justification before being accepted, otherwise one would be forced to accept the validity of logically contradictory propositions regarding subjects one knows nothing about, i.e if one knew nothing about P one would have to presume that both the “P” and “~P” are true.**

**[3] Statements are more often false than true because any part can be false. This means you negate if there is no offense because the resolution is probably false.**

#### Ethics must be derived from the constitutive features of agents – ethics based internally fail because they can’t generate universal obligations and ethics based externally fail because they are nonbinding as agents could opt-out and have no motivation to follow them which means they fail to guide action.

#### Constitutivism solves – it allows for universal obligations among all agents but they are binding and cannot be opted out of.

#### Next, only practical reason is constitutive:

#### [1] Regress – to question why one should reason concedes its authority since it is an act of reasoning itself which proves it’s binding and inescapable

#### That justifies universalizability - insofar as there is no a priori distinction between reasoners, a reason for one agent must also be a reason for another; if all agents cannot set and pursue an end, it is not constitutive of agency. Willing a maxim that violates freedom is a contradiction in conception – you cannot violate someone’s freedom without having your own freedom to do so.

#### Thus, the standard is consistency with a system of equal and outer freedoms. Prefer:

#### 1] Performativity – arguing against my framework presupposes freedom because without freedom to reason you would not be able to make arguments and try to win. – this means that contesting any of my arguments proves my framework true.

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#### 2] Resolvability: Clarity of weighing under interpretation of Kantianism: perfect duties above imperfect duties. Duties in right. Explicit categories that supersede other categories. All other FWs are consequentialist that use unquantifiable prob, mag, or prob x mag. Resolvability is an independent voter cuz otherwise the judge can’t make a decision which means it’s a constraint on any rotbbecause otherwise the round is impossible

### Offense

#### 1] There is no such thing as unjust initial acquisition – an injustice requires one whose right has been violated, which cannot be the case if a resource is unclaimed.

Feser, E. (2005). THERE IS NO SUCH THING AS AN UNJUST INITIAL ACQUISITION. Social Philosophy and Policy, 22(1), 56–80. doi:10.1017/s0265052505041038 JS

The reason there is no such thing as an unjust initial acquisition of resources is that there is no such thing as either a just or an unjust initial acquisition of resources. The concept of justice, that is to say, simply does not apply to initial acquisition. It applies only after initial acquisition has already taken place. In particular, it applies only to transfers of property (and derivatively, to the rectification of injustices in transfer). This, it seems to me, is a clear implication of the assumption (rightly) made by Nozick that external resources are initially unowned. Consider the following example. Suppose an individual A seeks to acquire some previously unowned resource R. For it to be the case that A commits an injustice in acquiring R, it would also have to be the case that there is some individual B (or perhaps a group of individuals) against whom A commits the injustice. But for B to have been wronged by A’s acquisition of R, B would have to have had a rightful claim over R, a right to R. By hypothesis, however, B did not have a right to R, because no one had a right to it—it was unowned, after all. So B was not wronged and could not have been. In fact, the very first person who could conceivably be wronged by anyone’s use of R would be, not B, but A himself, since A is the first one to own R. Such a wrong would in the nature of the case be an injustice in transfer—in unjustly taking from A what is rightfully his—not in initial acquisition. The same thing, by extension, will be true of all unowned resources: it is only after someone has initially acquired them that anyone could unjustly come to possess them, via unjust transfer. It is impossible, then, for there to be any injustices in initial acquisition.

#### 2] Private entities utilize their own property and resources to fund and conduct space exploration which means – Prohibition of it is a violation of a) Their ability to use their own property (like their rocketships or fuel) to set their ends in space and b). Their freedom to explore unknown horizons such as space.

## 2

#### Interp: The affirmative must define “private entities” in a delimited text in the 1AC.

#### “Private Entities” are flexible and has too many interps – normal means shows no consensus and makes the round irresolvable since the judge doesn’t know how to compare between types of offense and o/w since it’s a side constraint on decision making.

UpCounsel ND [“Private Entity: Everything You Need to Know”. UpCounsel (interactive online service that makes it faster and easier for businesses to find and hire legal help). No Date. Accessed 12/17/21. <https://www.upcounsel.com/private-entity> //Xu]

A private entity can be a partnership, corporation, individual, nonprofit organization, company, or any other organized group that is not government-affiliated. Indian tribes and foreign public entities are not considered private entities.

Unlike publicly traded companies, private companies do not have public stock offerings on Nasdaq, American Stock Exchange, or the New York Stock Exchange. Instead, they offer shares privately to interested investors, who may trade among themselves.

Private Company vs. Private Entity

The Companies Act of 2013 governs the registration of private companies.

This type of company is formed by following the steps laid out by this law.

Private entities are determined not by this law but by ownership and holding. For example, sole proprietorships and partnerships are designed as private entities.

A private entity is not necessarily a private company, but all private companies are private entities.

How Private Entities Work

Although private companies can be of any size, they often include a small group of chosen investors who may include employees, colleagues, friends and family, and other interested parties. If this type of company needs funding to grow, it may seek it from venture capital firms or from large institutional investors. Some private companies eventually decide to go public with an initial public offering (IPO) of stock shares on a public exchange. Sometimes, public companies go private when a large investor buys a bulk of the outstanding stock shares and plans to remove them from public exchanges.

How FOIA Affects Private Entities

The Freedom of Information Act (FOIA) is a federal law that requires certain agencies to provide certain types of records to any person who asks. Major government bodies such as federal courts and Congress are exempt from FOIA. Some state agencies are also exempt depending on state laws governing public records. In general, FOIA applies to:

Federal, state, and local government agencies, such as the Federal Communications Commission.

Certain state legislatures depending on the laws in those states.

Most private entities are not bound by federal FOIA laws. However, these laws may apply to private entities involved in government business. This situation occurred in Colorado in 2000, when a nonprofit corporation was required by the state's Court of Appeals to share documents related to a project it was working on with the city of Denver.

#### Violation – you don’t.

#### Prefer –

#### 1] Stable Advocacy – they can redefine in the 1AR to wriggle out of DA’s which kills high-quality engagement. We lose access to Tech Race DA’s, Asteroid DA’s, basic case turns, and core process counter plans that have different definitions and 1NC pre-round prep.

#### 2] Real World – Policy makers will always define the entity that they are recognizing. It also means zero solvency, absent spec, private entities can circumvent since there is no delineated way to enforce the aff and means their solvency can’t actualize.

## 3

#### Interpretation: If the affirmative defends anything other than “Resolved: The appropriation of outer space by private entities is unjust.” then they must provide a linked counter-solvency advocate for their specific advocacy in the 1AC. Violation: their plan text is not whole res and they have no csa Standards:

#### Fairness – This is a litmus test to determining whether your aff is fair – a) Limits – there are infinite things you could defend outside the exact text of the resolution which pushes you to the limits of contestable arguments, even if your interp of the topic is better, the only way to verify if it’s substantively fair is proof of counter-arguments. Nobody knows your aff better than you, so if you can’t find an answer, I can’t be expected to. Our interp narrows out trivially true advocacies since counter-solvency advocates ensure equal division of ground for both sides. b) Shiftiness-Having a counter-solvency advocate helps us conceptualize what their advocacy is and how it’s implemented. Intentionally ambiguous affirmatives we don’t know much about can’t spike out of DA’s and CP’s if they have an advocate that delineates these things.