## SPIKES ON BOTTOM

## 1AC – Framing

#### The starting point of morality is practical reason.

#### 1] Bindingness – A theory is only binding when you can answer the question “why should I do this?” and not continue to ask “why”. Only practical reason provides a deductive foundation for ethics since the question “why should I be rational” already concedes the authoritative power of agency since your agency is at work. Bindingness ow a) its meta-ethical, so it determines what counts as a warrant for a standard, so absent grounding in some metaethical framework, their arguments aren’t relevant normative considerations b) Absent a binding starting point frameworks would all share equal value. Weighing between them would be infinitely regressive as it presupposes there is a higher metric to determine who has the better justifications. That would make contestation vacuous as any locus of moral duty is sufficient since it would have an uncontested obligatory power

#### 2] Action theory – only evaluating action through reason solves since reason is key to evaluate intent, otherwise we could infinitely divide actions. For example: If I was brewing tea, I could break up that one big action into multiple small actions. Only our intention, to brew tea unifies these actions if we were never able to unify action, we could never classify certain actions as moral or immoral since those actions would be infinitely divisible.

#### 3] Empirical uncertainty – Evil demon deceiving us or inability to know others’ experience make empiricism/induction an unreliable basis for universal ethics. Outweighs since it would be escapable since people could say they don’t experience the same.

#### 4] All arguments by definition appeal to reason – otherwise you are conceding they have no warrant to structure them and are by definition baseless. Thus reason is an epistemic constraint on evaluating neg arguments.

#### 5] Is/ought gap – experience only tells us what is since we can only perceive what is, not what ought to be. But it’s impossible to derive an ought from descriptive premises, so there needs to be additional a priori premises to make a moral theory.

#### 6] Inescapability – Every agent intrinsically values practical reason when they go about setting and pursuing an end under a moral theory, as it presupposes that the end they are committing is an intrinsic good. That necessitates practical reason as a necessary means to follow through on any given end.

#### Next, the relevant feature of reason is universality – 3 warrants:

#### 1] Absent universal ethics, morality becomes arbitrary and fails to guide action, which means that ethics is rendered useless, necessitating a priori abstraction from physical experience.

#### 2] A priori principles like reason definitionally apply to everyone since they are independent of human experience therefore ethics is universal.

#### 3] Any non-universal norm is contradictory as it justifies someone’s ability to impede on your ends, which also means universalizability acts as a side constraint on ends-based frameworks.

#### Key for following rules since rules are arbitrary since the agent can form a unique interpretation and understanding which makes it impossible to verify a violation. Only universality solves since universalizing a violation of freedom entails a violation of your own freedom, thus a recognizable violation appears.

#### Thus, the standard is consistency with the categorical imperative as enacted through the omnilateral will. To clarify, I will defend axiological kantianism

#### Prefer:

#### [1] Performativity—freedom is the key to the process of justification of arguments. Willing that we should abide by their ethical theory presupposes that we own ourselves in the first place. Thus, it is logically incoherent to justify the neg arguments/standard without first willing that we can pursue ends free from others.

#### [2] There is an intent-foresight distinction. Multiple people can intend the same action looking for different consequences i.e. going home to avoid work vs to see family

#### [3] Consequences Fail: [A] Every action has infinite stemming consequences, because every consequence can cause another consequence. [B] Induction is circular because it relies on the assumption that nature will hold uniform and we could only reach that conclusion through inductive reasoning based on observation of past events. [C] Aggregation Fails – suffering is not additive can’t compare between one migraine and 10 headaches [D] Predictions are impossible because anything could lead to a butterfly effect of unexpected consequences i.e. sneezing becoming a tornado and killing thousands

#### [4] The Categorical Imperative unites the abstract with the concrete—this is key to challenging oppression.

Farr 2, Arnold Farr (prof of phil @ UKentucky, focusing on German idealism, philosophy of race, postmodernism, psychoanalysis, and liberation philosophy). “Can a Philosophy of Race Afford to Abandon the Kantian Categorical Imperative?” JOURNAL of SOCIAL PHILOSOPHY, Vol. 33 No. 1, Spring 2002, 17–32.

**One** of the most popular **criticism**s **of Kant’s moral philosophy is that it is too formalistic.**13 That is, the universal nature of the categorical imperative leaves it devoid of content. Such a principle is useless since moral decisions are made by concrete individuals in a concrete, historical, and social situation. This type of criticism lies behind Lewis Gordon’s rejection of any attempt to ground an antiracist position on Kantian principles. The rejection of universal principles for the sake of emphasizing the historical embeddedness of the human agent is widespread in recent philosophy and social theory. I will argue here on Kantian grounds that **although a distinction between the universal and the concrete is** a **valid** distinction, **the unity of the two is required for** an understanding of human **agency.** The attack on Kantian formalism began with Hegel’s criticism of the Kantian philosophy.14 The list of contemporary theorists who follow Hegel’s line of criticism is far too long to deal with in the scope of this paper. Although these theorists may approach the problem of Kantian formalism from a variety of angles, the spirit of their criticism is basically the same: The universality of the categorical imperative is an abstraction from one’s empirical conditions. **Kant is** often **accused of making the moral agent an abstract, empty**, noumenal **subject. Nothing could be further from the truth. The Kantian subject is** an **embodied**, empirical, concrete subject. However, this concrete subject has a dual nature. Kant claims in the Critique of Pure Reason as well as in the Grounding that human beings have an intelligible and empirical character.15 It is impossible to understand and do justice to Kant’s moral theory without taking seriously the relation between these two characters. The very concept of morality is impossible without the tension between the two. By “empirical character” Kant simply means that we have a sensual nature. We are physical creatures with physical drives or desires. **The** very **fact that I cannot simply satisfy my desires without considering the rightness** or wrongness **of my actions suggests that my empirical character must be held in check** by something, or else I behave like a Freudian id. My empiri- cal character must be held in check **by my intelligible character**, which is the legislative activity of practical reason. It is through our intelligible character that **we formulate principles that keep our** empirical **impulses in check.** The categorical imperative is the supreme principle of morality that is constructed by the moral agent in his/her moment of self-transcendence. What I have called self-transcendence may be best explained in the following passage by Onora O’Neill: In restricting our maxims to those that meet the test of the categorical imperative we refuse to base our lives on maxims that necessarily make our own case an exception. The reason why a universilizability criterion is morally signiﬁcant is that it makes our own case no special exception (G, IV, 404). In accepting the Categorical Imperative we accept the moral reality of other selves, and hence the possibility (not, note, the reality) of a moral community. **The Formula of Universal Law enjoins no more than that we act only on maxims that are open to others also.**16 O’Neill’s description of the universalizability criterion includes the notion of self-transcendence that I am working to explicate here to the extent that like self-transcendence, universalizable moral principles require that the individ- ual think beyond his or her own particular desires. **The individual is not allowed to exclude others as** rational **moral agents** who have the right to act as he acts in a given situation. For example, if I decide to use another person merely as a means for my own end I must recognize the other person’s right to do the same to me. I cannot consistently will that I use another as a means only and will that I not be used in the same manner by another. **Hence,** the **universalizability** criterion **is a principle of consistency and** a principle of **inclus[ive]ion.** That is, in choosing my maxims **I** attempt to **include the perspective of other moral agents.**

#### [5] They’re not falsifiable and can’t prove that the lack exists—the BURDEN OF PROOF IS ON THEM

Andrew Robinson, Ph.D. in Political Theory at the University of Nottingham, 2005 (“The Political Theory of Constitutive Lack: A Critique,” *Theory & Event*, Volume 8, Issue 1, Available Online to Subscribing Institutions via Project Muse)

The theoretical underpinnings of political Lacanianism typically rely on a "postmodern" disdain for essentialism, grounds and teleology, and articulate wider belief in contingency (for instance, by emphasizing contemporaneity). Doesn't a belief in contingency necessitate some conception of "constitutive lack"? The point to emphasize here is that "constitutive lack" is not an endorsement of contingency: it is a new conception of an essence, which is used as a positive foundation for claims. It may be posited as negativity, but it operates within the syntax of theoretical discourse as if it were a noun referring to a specific object. More precisely, I would maintain that "constitutive lack" is an instance of a Barthesian myth. It is, after all, the function of myth to do exactly what this concept does: to assert the empty facticity of a particular ideological schema while rejecting any need to argue for its assumptions. 'Myth does not deny things; on the contrary, its function is to talk about them; simply, it purifies them, it makes them innocent, it gives them a natural and eternal justification, it is a clarity which is not that of an explanation but that of a statement of fact'37. This is precisely the status of "constitutive lack": a supposed fact which is supposed to operate above and beyond explanation, on an ontological level instantly accessible to those with the courage to accept it. Myths operate to construct euphoric enjoyment for those who use them, but their operation is in conflict with the social context with which they interact. This is because their operation is connotative: they are "received" rather than "read"38, and open only to a "readerly" and not a "writerly" interpretation. A myth is a second-order signification attached to an already-constructed denotative sign, and the ideological message projected into this sign is constructed outside the context of the signified. A myth is therefore, in Alfred Korzybski's sense, intensional: its meaning derives from a prior linguistic schema, not from interaction with the world in its complexity39. Furthermore, myths have a repressive social function, carrying in Barthes's words an 'order not to think'40. They are necessarily projected onto or imposed on actual people and events, under the cover of this order. The "triumph of literature" in the Dominici trial41 consists precisely in this projection of an externally-constructed mythical schema as a way of avoiding engagement with something one does not understand. Lacanian theory, like Barthesian myths, involves a prior idea of a structural matrix which is not open to change in the light of the instances to which it is applied. Zizek's writes of a 'pre-ontological dimension which precedes and eludes the construction of reality'42, while Laclau suggests there is a formal structure of any chain of equivalences which necessitates the logic of hegemony43. Specific analyses are referred back to this underlying structure as its necessary expressions, without apparently being able to alter it; for instance, 'those who triggered the process of democratization in eastern Europe... are not those who today enjoy its fruits, not because of a simple usurpation... but because of a deeper structural logic'44. In most instances, the mythical operation of the idea of "constitutive lack" is implicit, revealed only by a rhetoric of denunciation. For instance, Mouffe accuses liberalism of an 'incapacity... to grasp... the irreducible character of antagonism'45, while Zizek claims that a 'dimension' is 'lost' in Butler's work because of her failure to conceive of "trouble" as constitutive of "gender"46. This language of "denial" which is invoked to silence critics is a clear example of Barthes's "order not to think": one is not to think about the idea of "constitutive lack", one is simply to "accept" it, under pain of invalidation. If someone else disagrees, s/he can simply be told that there is something crucial missing from her/his theory. Indeed, critics are as likely to be accused of being "dangerous" as to be accused of being wrong. One of the functions of myth is to cut out what Trevor Pateman terms the "middle level" of analytical concepts, establishing a short-circuit between high-level generalizations and ultra-specific (pseudo-)concrete instances. In Barthes's classic case of an image of a black soldier saluting the French flag, this individual action is implicitly connected to highly abstract concepts such as nationalism, without the mediation of the particularities of his situation. (These particularities, if revealed, could undermine the myth. Perhaps he enlisted for financial reasons, or due to threats of violence). Thus, while myths provide an analysis of sorts, their basic operation is anti-analytical: the analytical schema is fixed in advance, and the relationship between this schema and the instances it organizes is hierarchically ordered to the exclusive advantage of the former. This is precisely what happens in Lacanian analyses of specific political and cultural phenomena. Zizek specifically advocates 'sweeping generalisations' and short-cuts between specific instances and high-level abstractions, evading the "middle level". 'The correct dialectical procedure... can be best described as a direct jump from the singular to the universal, bypassing the mid-level of particularity'. He wants a 'direct jump from the singular to the universal', without reference to particular contexts47. He also has a concept of a 'notion' which has a reality above and beyond any referent, so that, if reality does not fit it, 'so much the worse for reality'48. The failure to see what is really going on means that one sees more, not less, because libidinal perception is not impeded by annoying facts49. Zizek insists on the necessity of the gesture of externally projecting a conception of an essence onto phenomena50, even affirming its necessity in the same case (anti-Semitism) in which Reich denounces its absurdity51. This amounts to an endorsement of myths in the Barthesian sense, as well as demonstrating the "dialectical" genius of the likes of Kelvin McKenzie. Lacanian analysis consists mainly of an exercise in projection. As a result, Lacanian "explanations" often look more propagandistic or pedagogical than explanatory. A particular case is dealt with only in order to, and to the extent that it can, confirm the already-formulated structural theory. Judith Butler criticizes Zizek's method on the grounds that 'theory is applied to its examples', as if 'already true, prior to its exemplification'. 'The theory is articulated on its self-sufficiency, and then shifts register only for the pedagogical purpose of illustrating an already accomplished truth'. It is therefore 'a theoretical fetish that disavows the conditions of its own emergence'52. She alleges that Lacanian psychoanalysis 'becomes a theological project' and also 'a way to avoid the rather messy psychic and social entanglement' involved in studying specific cases53. Similarly, Dominick LaCapra objects to the idea of constitutive lack because specific 'losses cannot be adequately addressed when they are enveloped in an overly generalised discourse of absence... Conversely, absence at a "foundational" level cannot simply be derived from particular historical losses'54. Attacking 'the long story of conflating absence with loss that becomes constitutive instead of historical'55, he accuses several theorists of eliding the difference between absence and loss, with 'confusing and dubious results', including a 'tendency to avoid addressing historical problems, including losses, in sufficiently specific terms', and a tendency to 'enshroud, perhaps even to etherealise, them in a generalised discourse of absence'56. Daniel Bensaid draws out the political consequences of the projection of absolutes into politics. 'The fetishism of the absolute event involves... a suppression of historical intelligibility, necessary to its depoliticization'. The space from which politics is evacuated 'becomes... a suitable place for abstractions, delusions and hypostases'. Instead of actual social forces, there are 'shadows and spectres'57. The operation of the logic of projection is predictable. According to Lacanians, there is a basic structure (sometimes called a 'ground' or 'matrix') from which all social phenomena arise, and this structure, which remains unchanged in all eventualities, is the reference-point from which particular cases are viewed. The "fit" between theory and evidence is constructed monologically by the reduction of the latter to the former, or by selectivity in inclusion and reading of examples. At its simplest, the Lacanian myth functions by a short-circuit between a particular instance and statements containing words such as "all", "always", "never", "necessity" and so on. A contingent example or a generic reference to "experience" is used, misleadingly, to found a claim with supposed universal validity. For instance, Stavrakakis uses the fact that existing belief-systems are based on exclusions as a basis to claim that all belief-systems are necessarily based on exclusions58, and claims that particular traumas express an 'ultimate impossibility'59. Similarly, Laclau and Mouffe use the fact that a particular antagonism can disrupt a particular fixed identity to claim that the social as such is penetrated and constituted by antagonism as such60. Phenomena are often analysed as outgrowths of something exterior to the situation in question. For instance, Zizek's concept of the "social symptom" depends on a reduction of the acts of one particular series of people (the "socially excluded", "fundamentalists", Serbian paramilitaries, etc.) to a psychological function in the psyche of a different group (westerners). The "real" is a supposedly self-identical principle which is used to reduce any and all qualitative differences between situations to a relation of formal equivalence. This shows how mythical characteristics can be projected from the outside, although it also raises different problems: the under-conceptualization of the relationship between individual psyches and collective phenomena in Lacanian theory, and a related tendency for psychological concepts to acquire an ersatz agency similar to that of a Marxian fetish. "The Real" or "antagonism" occurs in phrases which have it doing or causing something. As Barthes shows, myth offers the psychological benefits of empiricism without the epistemological costs. Tautology, for instance, is 'a minor ethical salvation, the satisfaction of having militated in favour of a truth... without having to assume the risks which any somewhat positive search for truth inevitably involves'61. It dispenses with the need to have ideas, while treating this release as a stern morality. Tautology is a rationality which simultaneously denies itself, in which 'the accidental failure of language is magically identified with what one decides is a natural resistance of the object'62. This passage could almost have been written with the "Lacanian Real" in mind. The characteristic of the Real is precisely that one can invoke it without defining it (since it is "beyond symbolization"), and that the accidental failure of language, or indeed a contingent failure in social praxis, is identified with an ontological resistance to symbolization projected into Being itself. For instance, Zizek's classification of the Nation as a Thing rests on the claim that 'the only way we can determine it is by... empty tautology', and that it is a 'semantic void'63. Similarly, he claims that 'the tautological gesture of the Master-Signifier', an empty performative which retroactively turns presuppositions into conclusions, is necessary, and also that tautology is the only way historical change can occur64. He even declares constitutive lack (in this case, termed the "death drive") to be a tautology65. Lacanian references to "the Real" or "antagonism" as the cause of a contingent failure are reminiscent of Robert Teflon's definition of God: 'an explanation which means "I have no explanation"'66. An "ethics of the Real" is a minor ethical salvation which says very little in positive terms, but which can pose in macho terms as a "hard" acceptance of terrifying realities. It authorizes truth-claims - in Laclau's language, a 'reality' which is 'before our eyes67', or in Newman's, a 'harsh reality' hidden beneath a protective veil68 - without the attendant risks. Some Lacanian theorists also show indications of a commitment based on the particular kind of "euphoric" enjoyment Barthes associates with myths. Laclau in particular emphasizes his belief in the 'exhilarating' significance of the present69, hinting that he is committed to euphoric investments generated through the repetition of the same.

#### [6] Practical identities – we find our lives worth living under practical identities such as student but that presupposes agency.

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The Solution: Those who think that the human mind is internally luminous and transparent to itself think that the term “self-consciousness” is appropriate because what we get in human consciousness is a direct encounter with the self. Those who think that the human mind has a reflective structure use the term too, but for a different reason. The reflective structure of the mind is a source of “self-consciousness” because it forces us to have a conception of ourselves. As Kant argues, this is a fact about what it is like to be reflectively conscious and it does not prove the existence of a metaphysical self. From a third person point of view, outside of the deliberative standpoint, it may look as if what happens when someone makes a choice is that the strongest of his conflicting desires wins. But that isn’t the way it is for you when you deliberate. When you deliberate, it is as if there were something over and above all of your desires, something that is you, and that chooses which desire to act on. This means that the principle or law by which you determine your actions is one that you regard as being expressive of yourself. To identify with such a principle or law is to be, in St. Paul’s famous phrase, a law to yourself.6 An agent might think of herself as a Citizen in the Kingdom of Ends. Or she might think of herself as a member of a family or an ethnic group or a nation. She might think of herself as the steward of her own interests, and then she will be an egoist. Or she might think of herself as the slave of her passions, and then she will be a wanton. And how she thinks of herself will determine whether it is the law of the Kingdom of Ends, or the law of some smaller group, or the law of the egoist, or the law of the wanton that is the law that she is to herself. The conception of one’s identity in question here is not a theoretical one, a view about what as a matter of inescapable scientific fact you are. It is better understood as a description under which you value yourself, a description under which you find your life to be worth living and your actions to be worth undertaking. So I will call this a conception of your practical identity. Practical identity is a complex matter and for the average person there will be a jumble of such conceptions. You are a human being, a woman or a man, an adherent of a certain religion, a member of an ethnic group, someone’s friend, and so on. And all of these identities give rise to reasons and obligations. Your reasons express your identity, your nature; your obligations spring from what that identity forbids.

#### [7] Motivation – consequentialist theories hold agents responsible for consequences external to their will which removes any reason to act ethically because agents are punished for ends they did not intend.

## 1AC – Contention

#### I affirm; the appropriation of outer space by private entities is unjust. CX checks on all theory interps to prevent skewing the debate away from substance.

#### Now affirm:

#### 1] Out of the possibility of extraterrestrial reasoners, we have an obligation to respect their habitats and not interfere through exploration.

Brian Patrick Green 2014, Santa Clara University, "Ethical Approaches to Astrobiology and Space Exploration: Comparing Kant, Mill, and Aristotle," Scholar Commons, <https://scholarcommons.scu.edu/markkula/5/> //Dulles VN

But to assume that Kant has not considered these questions is an enormous mistake. In 1755, quite early in his career, Kant published the book Universal Natural History and Theory of the Heavens, where he described the solar nebular hypothesis (now the accepted theory for how the solar system formed).4 More than that, Kant not only allowed that extraterrestrial intelligences might exist, he believed that if they did not yet exist, that someday they would,5 and that some of these ETIs would be inferior and some superior to humans in intelligence.6 One might wonder if the young Kant’s belief in ETIs continued into his older years, when he was writing on ethics. There is good evidence that it does. Writing his Foundations of the Metaphysics of Morals, 30 years after his work on the nebular hypothesis, Kant is explicit – he is not just discussing humans, but “all rational beings.” 7 So with respect deontology and extraterrestrial intelligent life, Case 1) on the chart, Kant would extend the same full dignity and respect to ETIs which humans owe to each other, in accord with his categorical imperative, which requires the universalizability of moral norms8 and treating all rational beings as ends in themselves.9 For deontology and non-intelligent life, Case 2), Kant argues that animals, as non-rational beings, are of only relative worth. They are not as ends in themselves, not persons, but things.10 If humans discovered non-intelligent life on other worlds (most likely microbes, but if larger then we would have to carefully evaluate what it means to be intelligent, and make sure the discovered life does not qualify), according to Kant, we could do with it as we pleased. While some contemporary moral philosophers have tried to reinterpret or rehabilitate Kant on animals, these works are developments of Kant’s philosophy; they are not his philosophy itself.11 So while Kantianism might be modifiable into a system which is more friendly towards the rest of the living world, without these modifications it is not. For non-life and Kantian deontology, Case 3), there is likewise a simple answer: nonliving things are just things. Non-living things are not a moral concern, they are merely instrumental, and as such intelligent creatures can treat these things as they wish. However, there is an odd exception to this conclusion which is worth mentioning (and which I note with a star in the table). Kant believed that if other planets were not yet inhabited, they someday would be. If this is the case, then what of planets currently without intelligent life but which may someday have it? Ought we to anticipate these intelligent creatures and therefore respect them proactively by respecting their prospective goods? Kant does not say (perhaps because he was not interested in speculating or because humans were, in his time, far from being in a position to affect the futures of these planets). However, given the importance of rational beings in Kant’s system (rationality, teleology, and morality are the purpose of universe) the answer is possibly, or even probably, yes.

#### 2] Dictionary.com defines appropriation[[1]](#footnote-1) as

the act of [appropriating](https://www.dictionary.com/browse/appropriate) or taking possession of something, often without permission or consent.

#### Proving that any act of appropriation is intrinsically coercive and should be rejected.

#### 3] Space Exploration is non universalizable – Assumes all agents have access to the resources to fund a space trip, and is thus exclusionary.

Benjamin Segobaetso 2018, Project Officer at United Nations Association in Canada “Ethical Implications of the Colonization, Privatization and Commercialization of Outer Space.” https://ruor.uottawa.ca/bitstream/10393/38318/1/Benjamin\_Segobaetso\_2018.pdf?fbclid=IwAR2yROoOf\_np9HL97WmBB-xDUGSZnQrRPbvs2Gmo6V5NlyEFBoSLWxQFuV0 //Dulles VN

It can be argued through Kantian ethics that our record here on Earth paints a picture of neoliberal and capitalist policies with tendencies to favour the highest bidder at the exclusion of the under privileged and puts profit first at the expense of the environment. For Kantians, there are two questions that we must ask ourselves whenever we decide to act: (i) Can I rationally will that everyone act as I propose to act? If the answer is no, then we must not perform the action. (ii) Does my action respect the goals of human beings? Again, if the answer is no, then we must not perform the action. Kantian ethicists would argue that extending to space neoliberal and capitalist policies is immoral because these systems create economic disparities and life threatening environmental injustices; therefore, they are set up in a way that we could 16 not rationally will everyone to act the way they act either here on Earth or in space. Also, Kantian ethicists would ask whether the action of extending neoliberal and capitalist policies to space would respect the goals of extra-terrestrial intelligent life if any rather than merely using them for humans’ own purposes? If the answer is no, then the participating agent must not perform the action. Kant wrote on the possible existence of extra-terrestrial intelligent species in the final pages of the last book that he published, Anthropology from a Pragmatic Point of View [Anthropologie in pragmatischer Hinsicht] (1978). In this publication, Kant hinted that the highest concept of the Alien species may be that of a terrestrial rational being [eines irdischen vernünftigen ]; however, he argued that it will be difficult to describe its characteristics because there is no knowledge available of a non-terrestrial rational being [nicht irdischen Wesen] which could be used as a reference in regards to its properties and ultimately classify that terrestrial being as rational. This dilemma will continue until extraterrestrial intelligent life is discovered because comparing two species of rational beings has to be on the basis of experience, but that experience has not been possible yet (Kant, 237-238).

#### 4] Space is not subject to property rights – a). It has no physical manifestation as space is by definition the absence of matter which means it cannot be measured, bordered, or divided, thus it cannot be owned b). Owning unexplored planets/space is incoherent –it can’t be deemed an agents property unless agents have a rational conception of it. C) The International Institute of Space Law proves

Sean Blair 2011 is a space journalist and is currently working for the European Space Agency, 08-01-2011, "Space property: who owns it?," BBC Science Focus Magazine, <span class="skimlinks-unlinked">[https://www.sciencefocus.com/space/space-property-who-owns-it</span>/](https://www.sciencefocus.com/space/space-property-who-owns-it%3c/span%3e/) // Dulles VN

While the deep-sea salvage claim here on Earth appears to show that possession will be sufficient, we’re still to discover exactly what will happen when someone lands a craft on a celestial body with the intention of claiming it, or at least part of it. There are some who believe that regardless of what’s happened on Earth, you simply can’t own something in space. “For us it is clear that private property rights over parts of outer space are not permitted,” says Tanja Masson-Zwaan, President of the International Institute of Space Law. “There is no consensus on property rights in space, as there will always be people who continue to challenge what the law says.”

#### 5] Libertarianism turns don’t apply:

#### A] Privatization of space inherently relies on an anti-libertarian state-based model

Shammas and Holen 19 [(Victor L. Oslo Metropolitan University, Tomas B. Independent scholar) “One giant leap for capitalistkind: private enterprise in outer space,” Palgrave Communications, 1-29-19, https://www.nature.com/articles/s41599-019-0218-9] TDI //recut Dulles VN

But the entrepreneurial libertarianism of capitalistkind is undermined by the reliance of the entire NewSpace complex on extensive support from the state, ‘a public-private financing model underpinning long-shot start-ups' that in the case of Musk’s three main companies (SpaceX, SolarCity Corp., and Tesla) has been underpinned by $4.9 billion dollars in government subsidies (Hirsch, 2015). In the nascent field of space tourism, Cohen (2017) argues that what began as an almost entirely private venture quickly ground to a halt in the face of insurmountable technical and financial obstacles, only solved by piggybacking on large state-run projects, such as selling trips to the International Space Station, against the objections of NASA scientists. The business model of NewSpace depends on the taxpayer’s dollar while making pretensions to individual self-reliance. The vast majority of present-day clients of private aerospace corporations are government clients, usually military in origin. Furthermore, the bulk of rocket launches in the United States take place on government property, usually operated by the US Air Force or NASA.Footnote13 This inward tension between state dependency and capitalist autonomy is itself a product of neoliberalism’s contradictory demand for a minimal, “slim” state, while simultaneously (and in fact) relying on a state reengineered and retooled for the purposes of capital accumulation (Wacquant, 2012). As Lazzarato writes, ‘To be able to be “laissez-faire”, it is necessary to intervene a great deal' (2017, p. 7). Space libertarianism is libertarian in name only: behind every NewSpace venture looms a thick web of government spending programs, regulatory agencies, public infrastructure, and universities bolstered by research grants from the state. SpaceX would not exist were it not for state-sponsored contracts of satellite launches. Similarly, in 2018, the US Defense Advanced Research Projects Agency (DARPA)—the famed origin of the World Wide Web—announced that it would launch a ‘responsive launch competition', meaning essentially the reuse of launch vehicles, representing an attempt by the state to ‘harness growing commercial capabilities' and place them in the service of the state’s interest in ensuring ‘national security' (Foust, 2018b).

## 1AC – Underview

#### 1] 1ar theory is key to checking back against infinitely abusive 1NCs, and recourse outweighs on predictability since 1NC reactivity means there are infinite permutations of possible hard negs but the aff is tied to the topic. Use drop the debater for aff recourse and preventing 2n sandbagging and because the 1ar is too short to win theory and substance. Competing interps on 1ar shells a] prevents 2ns that collapse to 6 min of reasonability good b] 1ars don’t have enough time to win substance and paradigm issues. No RVIs on 1ar shells: a] overcompensation – they have 2 speeches so they can win the 2n in other ways like impact turns b] time investment is larger so err aff on abuse stories c] creates a chilling effect against checking legitimate NC abuse. We don’t preclude you from contesting these paradigm issues, so combo shells on the underview are non-sensical and concede you could’ve just line by lined.

#### 2] AFF fairness issues come prior to NC arguments a) The 1ar can’t engage on multiple layers if there is a skew since the speech is already time-crunched b) Sets up an invincible 2n since there are a million of unfair things you can collapse to to win every round c) its key to compensate the structural skew

Shah 19 [Sachin Shah, 2019, "A Statistical Analysis of Side-Bias on the 2019 January-February Lincoln-Douglas Debate Topic," NSD Update, http://nsdupdate.com/2019/a-statistical-analysis-of-side-bias-on-the-2019-january-february-lincoln-douglas-debate-topic/] AG accessed 6-22-2019

As a final note, it is also interesting to look at the trend over multiple topics. In the rounds from 93 TOC bid distributing tournaments (2017 – 2019 YTD), the negative won 52.99% of ballots (p-value < 0.0001) and 54.63% of upset rounds (p-value < 0.0001). This suggests the bias might be structural, and not topic specific, as this data spans six different topics.

#### 3] No 2n theory arguments and paradigm issues. a) overloads the 2AR with a massive clarification burden b) it becomes impossible to check NC abuse if you can dump on reasons the shell doesn't matter in the 2n.

#### 4] Use reasonability on neg theory – [a] Competing interps moots 6 mins of AC offense creating a 7-13 time skew which outweighs minimal aff abuse. [b] Offense-defense disincentivizes substantive education by shifting the round from the AC to a norm so their model prioritizes diminishing marginal skews over substance. That outweighs – the end goal of theory is better substantive debates. [c] Binary interps make it possible for the reactive neg to always read theory, so the aff needs reasonability to protect their core ground.

#### 5] Presumption and Permissibility affirm- [a] – Freezes action: requiring pro-active justification for all our actions would make it impossible to make morally neutral claims like ‘I ought to drink water’ which means we always assume we can take an action absent a proactive reason not to. [b] – Epistemics: We could never start a strand of reasoning if we had to question that reasoning. [c] – If I told you my name was Vishnu you’d believe me

1. https://www.dictionary.com/browse/appropriation [↑](#footnote-ref-1)