## 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 c) for obligations to have normative force they must be categorically binding because otherwise actors could contingently disregard them.

#### 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.

#### Rationality necessitates a free will – rational action must set before itself objective ends that we can categorically pursue through setting and pursuing ends. All frameworks concede the validity of a free will because otherwise people can’t be held culpable for actions they didn’t cause.

#### 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. If we accept one contradiction we accept all statements as true.

#### 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 also means universalizability acts as a side constraint on all other frameworks.

#### Thus, the standard is consistency with the categorical imperative as enacted through the omnilateral will.

#### 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] 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

#### [3] 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

#### [4] Externalism fails: no reason why we ought to care about higher order because they can just say screw it and not follow that order which takes out consequences and kritiks because we don’t care about them.

#### [5] 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.**

#### [6] Also, even if ideal-theory is bad, the alternatives are far worse because they don’t rely on fixed principles and devolve into relativism at a particular space and time—you can’t measure something with a ruler constantly changing length, which means we need a standard to hold people to.

## 1AC – Contention

#### I affirm; Resolved: The appropriation of outer space by private entities is unjust. Resolved is defined as[[1]](#footnote-1) firm in purpose or intent; determined. I’m determined to affirm, vote for me. To affirm means to express agreement[[2]](#footnote-2). I’ve expressed agreement so I’ve met my burden.

#### 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/> //Dulle 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] Private entities are incapable of making omnilateral decisions as privatization entails that they withhold information which limits deliberation over making maxims.

Chiara Cordelli 2016, University of Chicago, Political Science & the College [cordelli@uchicago.edu](mailto:cordelli@uchicago.edu) <https://www.law.berkeley.edu/wp-content/uploads/2016/01/What-is-Wrong-With-Privatization_UCB.pdf> //Dulles VN

The intrinsic wrong of privatization, I will suggest, rather consists in the creation of an institutional arrangement that, by its very constitution, denies those who are subject to it equal freedom. I understand freedom as an interpersonal relationship of reciprocal independence. To be free is not to be subordinated to another person’s unilateral will. By building on an analytical reconstruction of Kant’s Doctrine of Right, I will argue that current forms of privatization reproduce (to a different degree) within a civil condition the very same defects that Kant attributes to the state of nature, or to a pre-civil condition, thereby making a rightful condition of reciprocal independence impossible. Importantly, this is so even if private actors are publicly authorized through contract and subject to regulations, and even if they are committed to reason in accordance with the public good. The reason for this, as I will explain, derives from the fact that private agents are constitutionally incapable of acting omnilaterally, even if their actions are omnilaterally authorized by government through some delegation mechanism, e.g. a voluntary contract. Omnilateralness, I will suggest, must be understood as a function of 1) rightful judgment and 2) unity. By rightful judgment I mean the capacity to reason publicly and to make universal rules that are valid for everyone, according to a juridical ideal of right, as necessary to solve the problem of the unilateral imposition of private wills on others. By unity I mean the capacity to make rules and decisions that change the normative situation of others, as a part of a unified system of decision-making. The condition of unity is crucial, as I shall later explain, insofar as there might be multiple interpretations compatible with rightful judgment, which would still problematically leave the definition of people’s rightful entitlements indeterminate. Further, the practical realization of the juridical idea of an omnilateral will, I will contend, requires embeddedness within a shared collective practice of decision-making. In practice, rightful judgment can only obtain when certain shared background frameworks that structure practical reasoning and confer unity to that reasoning are in place. The rules of public administration and the authority structure of bureaucracy should be understood as playing this essential function of giving empirical and practical reality to the omnilateral will, as far as the execution of rules and the concrete definition of entitlements are concerned. Together, these two requirements are necessary, (whether they are also sufficient is a different question), to make an action the omnilateral action of a state, which has the moral power to change the normative situation of citizens, by fixing the content of their rights and duties in accordance with the equal freedom of all. The phenomenon of privatization thus raises the fundamental questions of why we need political institutions to begin with, and what makes an action an action of the state. Insofar as private agents make decisions that fundamentally alter the normative situation (the rights and duties) of citizens, and insofar as, by definition, private agents are not public officials embedded in that shared collective practice, their decisions, even if well intentioned and authorized through contract, cannot count as omnilateral acts of the state. They rather and necessarily remain unilateral acts of men. Hence, I will conclude, for the very same reasons that we have, following Kant, a duty to exit the state of nature so as to solve the twofold problems of the unilateral imposition of will on others and the indeterminacy of rights, we also have a duty to limit privatization and to support, on normative grounds, a case for the re-bureaucratization of certain functions. Therefore, my paper provides foundational reasons to agree with Richard Rorty’s nonfoundational defense of bureaucracy as stated in the opening epigraph, since only agents who are appropriately embedded within a bureaucratic structure, properly understood, are, in many cases, capable of acting omnilaterally. The “bosses” I am here concerned with are not primarily those who 5 can unilaterally impose their will on us in their capacity as private employers, but rather any private actor who acts unilaterally while in the garb of the state.

#### 3] 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 – there could be other agents there, and it can’t be deemed an agents property lest 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.”

#### 4] 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 – Definitions

#### Outer space

Lexico. Oxford Dictionary. Outer Space. https://www.lexico.com/en/definition/outer\_space

The physical universe beyond the earth's atmosphere.

#### Private entities

Law Insider. Private entity definition. <https://www.lawinsider.com/dictionary/private-entity>

Private entity means any natural person, corporation, general partnership, limited liability company, limited partnership, joint venture, business trust, public benefit corporation, nonprofit entity, or other business entity.

## 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. 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) Key to compensate for 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.

#### 3] Affirm if I win a Counterinterp–

#### A] Time skew – 6-minute 2NR to 4-minute 1AR means they’re structurally advantaged – there’s not enough time to win substance and theory which outweighs on quantifiability

#### B] Sandbagging – Negatives control the direction of the debate because they determine what the 1AR and 2AR has to go for – giving us RVIs grants us some leeway which is key

#### 4] 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

#### 5] The role of the ballot is to determine the truth or falsity of the resolution – the ballot says vote aff or neg based on a topic and five dictionaries[[3]](#footnote-3) define to negate as to deny the truth of and affirm[[4]](#footnote-4) as to prove true which means it’s constitutive and jurisdictional. Text comes first – a) Controls the internal link to fairness since it’s the basis of things like predictability and prep b) Key to jurisdiction since the judge can only endorse what is within their burden c) Even if another role of the ballot is better for debate, that is not a reason it ought to be the role of the ballot, just a reason we ought to discuss it.

1. http://www.dictionary.com/browse/resolved [↑](#footnote-ref-1)
2. http://www.dictionary.com/browse/affirm [↑](#footnote-ref-2)
3. <http://dictionary.reference.com/browse/negate>, <http://www.merriam-webster.com/dictionary/negate>, <http://www.thefreedictionary.com/negate>, <http://www.vocabulary.com/dictionary/negate>, <http://www.oxforddictionaries.com/definition/english/negate> [↑](#footnote-ref-3)
4. *Dictionary.com – maintain as true, Merriam Webster – to say that something is true, Vocabulary.com – to affirm something is to confirm that it is true, Oxford dictionaries – accept the validity of, Thefreedictionary – assert to be true* [↑](#footnote-ref-4)