#### I affirm Resolved: The appropriation of outer space by private entities is unjust. Spec and definitions in doc.

The – “used to point forward to a following qualifying or defining clause or phrase”. Google. <https://www.google.com/search?q=the+definition&rlz=1C1CHBF_enUS877US877&oq=the+definition&aqs=chrome.0.69i59j69i64j69i61j69i60l2.2103j0j7&sourceid=chrome&ie=UTF-8>

Appropriation – “an act or instance of appropriating something”. <https://www.merriam-webster.com/dictionary/appropriation>

Of – “indicating an association between two entities, typically one of belonging”. <https://www.google.com/search?q=of+definition&rlz=1C1CHBF_enUS877US877&oq=of+definition&aqs=chrome..69i57j69i60.1494j0j7&sourceid=chrome&ie=UTF-8>

Outer Space – “the physical universe beyond the earth's atmosphere”. <https://www.google.com/search?q=outer+space+definition&rlz=1C1CHBF_enUS877US877&oq=outer+space+definition&aqs=chrome..69i57j69i60.2363j0j7&sourceid=chrome&ie=UTF-8>

By – “identifying the agent performing an action.”. <https://www.google.com/search?q=by+definition&rlz=1C1CHBF_enUS877US877&oq=by+definition&aqs=chrome.0.69i59.1433j0j7&sourceid=chrome&ie=UTF-8>

Private Entity – “(A) In general Except as otherwise provided in this paragraph, the term “private entity” means any person or private group, organization, proprietorship, partnership, trust, cooperative, corporation, or other commercial or nonprofit entity, including an officer, employee, or agent thereof.”. <https://www.law.cornell.edu/definitions/uscode.php?width=840&height=800&iframe=true&def_id=6-USC-625312480-168358316&term_occur=999&term_src=title:6:chapter:6:subchapter:I:section:1501>

Unjust – “not morally right; not fair”. <https://dictionary.cambridge.org/us/dictionary/english/unjust>

#### Nothing has triggered it, but presumption and permissibility affirm

#### a) We always default to assuming something true until proven false ie if I told you my name is Daniel you would believe me

#### b) Unjust[[1]](#footnote-1) is “not morally right; not fair” and permissibility disproves the positive obligation which is aff ground

#### c) empirics

Shah 19[Shah, Sachin. “A STATISTICAL ANALYSIS OF SIDE-BIAS ON THE 2019 JANUARY-FEBRUARY LINCOLN-DOUGLAS DEBATE TOPIC.” NSD Update, National Symposium of Debate, 16 Feb. 2019, http://nsdupdate.com/2019/a-statistical-analysis-of-side-bias-on-the-2019-january-february-lincoln-douglas-debate-topic/.] //LHPSS

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 neg**ative **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.**

### 1AC – FW

#### Ethics must be derived from the Noumenal world –

#### 1] External Worlds Skepticism –

Chapman summarizes 14 [Andrew Chapman (lecturer in philosophy at the University of Colorado, Boulder). “External World Skepticism”. 1000-Word Philosophy: An Introductory Anthology. 6 FEBRUARY 2014. Accessed 12/11/21. <https://1000wordphilosophy.com/2014/02/06/external-world-skepticism/> //Xu]

You’re being deceived by a very powerful evil demon right now. This demon has the ability to manipulate your sensory impressions such that it will seem to you that things are some way when they are not that way at all. Accordingly, things are actually nothing like P. For example, suppose it seems to you as though you are in a room with a table and chair in it and that you are reading from a computer screen, etc. If (1) is true, then you actually are in a room with a table and chair in it and you are reading from a computer screen, etc. If (2) is true, then you are not in a room with a table and chair in it and you are not reading from a computer screen, etc. If (2) is true, things are very different from how they seem to you to be.1

\*Footnote 1\*

1 If the evil demon scenario is too far-fetched for you, imagine that you are dreaming or that you are hallucinating or even that you are in a laboratory and your visual cortex is being stimulated by electrodes.

\*Paragraph Following the First\*

Philosophers call (2) a skeptical scenario. In skeptical scenarios, you are radically misled, deceived, or bamboozled by your evidence in such a way that how things seem to you is different from how things actually are. Perhaps the most famous propounder of skeptical scenarios in the history of philosophy is René Descartes (1596-1650) in his Meditations on First Philosophy (1641). In the Meditations, Descartes considers that he might be dreaming or that he might be being deceived by the evil demon from our scenario (2) above. Hollywood has made much of skeptical scenarios in movies like Total Recall, The Matrix, and Inception. So back to our original question: Which of (1) or (2) is best supported or best justified by its seeming to you that P? If you’re being honest with yourself, you’ll conclude that how things seem equally well supports (1) and (2). From your internal, first-personal perspective, either of (1) or (2) could be true given how things seem to you. And if that weren’t bad enough, here comes the kicker: If both (1) and (2) are equally well supported by your evidence, how can you ever possibly know anything about the world outside your own skin? This is the problem of external world skepticism, perhaps the central problem of modern epistemology.

#### 2] Causal Determinism –

Korsgaard [Korsgaard, Christine (Arthur Kingsley Porter Professor of Philosophy at Harvard University). “Creating The Kingdom of Ends: Reciprocity and Responsibility in Personal Relations.” (p. 317-318). https://www.people.fas.harvard.edu/~korsgaar/CMK.CKE.Essay.pdf]

Here one’s life is regarded as the phenomenal representation or expression of a single choice, the choice of one’s character or fundamental principle. This choice must be understood as occurring outside of time, in the noumenal world. The choice is the one described in the first book of Religion Within the Limits of Reason Alone: the choice of how incentives are to be ordered in one’s most fundamental maxim, the choice between morality and self-love. (R 36/31) As Kant sees it, human beings are subject to certain incentives - impulses which present themselves to us as candidates, so to speak, to be reasons for action. Among these are our desires and inclinations, as well as respect for the moral law. Kant believes that we are not free to ignore such incentives altogether. Instead, our freedom consists in our ability to rank the incentives, to choose whether our self-love shall be governed by morality or morality shall be subordinated to self-love. This fundamental choice then governs our choice of lower-order maxims. The fundamental choice is an act - in the Religion Kant calls it an intelligible act - and it is ultimately this intelligible act that is imputable to us, and makes our phenomenal actions imputable to us. (R 31- 32/26-27) When first exposed to Kant’s view, one may be tempted to try to picture how and where the choice of one’s character enters the processes which ultimately issue in action. Suppose, with violent oversimplification, that it is a law of nature that children raised in certain conditions of poverty and insecurity tend to become somewhat selfish as adults, and suppose that such a childhood has had this effect on Marilyn. Are we to say to her: “Your childhood insecurity gave you an incentive to be selfish, but it is still your own fault if you elevate that incentive into a reason?” Then we are thinking that Marilyn’s freedom inserts itself in between the causes in her background and their ultimate effect.xxiii Or are we supposed to think that, in her noumenal existence, Marilyn wills to be a selfish person? Or, to get even fancier, should we think that in her noumenal existence Marilyn wills the law of nature that deprived children become selfish adults? Obviously, if we try to picture how Marilyn's freedom is related to the forces that determine her, we must imagine it either inserting itself somewhere into the historical process, or standing behind the laws of nature from which this historical process necessarily follows. And both of these pictures seem crazy.xxiv And of course they are crazy. Kant’s response to this problem is to maintain that the question should not be asked. To ask how freedom and determinism are related is to inquire into the relation between the noumenal and phenomenal worlds, a relation which it is in principle impossible to know anything about. But our understanding of what this response amounts to will depend on how we understand the distinction between the noumenal and phenomenal worlds, and the related distinction between the two standpoints from which Kant says we may view ourselves and our actions. This is a large issue which I cannot treat here in a satisfactory way; I shall simply declare my allegiance. On a familiar but as I think misguided interpretation, the distinction between the two worlds is an ontological one; as if behind the beings of this world were another set of beings, which have an active and controlling relation to the beings of this world, but which are inaccessible to us because of the limits of experience. According to this view, we occupy both worlds, and viewing ourselves from the two standpoints we discover two different sets of laws which describe and explain our conduct in the two different worlds. We act on the moral law in the noumenal world, the law of self-love in the phenomenal world. This view gives rise to familiar paradoxes about how evil actions are even possible, and how we could ever be held responsible for them if they were.xxv

#### 3] Is-Ought Gap –

Gray 11 [James W. Gray (MA in philosophy from San Jose State University). "The Is/Ought Gap: How Do We Get "Ought" from "Is?"" Ethical Realism. N.p., 19 July 2011. Web. 28 Oct. 2015. //Massa]

**The is/ought gap is a problem in moral philosophy where what is the case and what ought to be the case seem quite different, and it presents itself as the following question** to David Hume: **How do we *know* what morally ought to be the case from what is the case?** Hume posed the question in A Treatise of Human Nature Book III Part I Section I: In **every system of morality**, which I have hitherto met with, I have always remark’d that the author proceeds for some time in the ordinary way of reasoning, and establishes the being of a God, or makes observations concerning human affairs, when of a sudden I am surpriz’d to find, that instead of the usual copulations of propositions, is and is not, I meet with no proposition that is not connected with an ought, or an ought not. This change **is imperceptible**; but is, however, of the last consequence. **For as this ought**, or ought not, **expresses some new relation** or affirmation, ‘tis necessary that it shou’d be observ’d and explain’d; and at the same time that a reason shou’d be given, **for what seems altogether inconceivable**, how this new relation can be a deduction from others, which are entirely different from it. It is here that Hume points out that **philosophers argue about** various **nonmoral facts, then somehow conclude what ought to be the case** (or what people ought to do) **based on** those facts (about **what is the case**). **For example, we might find out that arsenic is poisonous and conclude that we ought not consume it. But we need to know how nonmoral facts can lead to moral conclusions. These two things seem unrelated.** The is/ought gap doesn’t seem like a problem for nonmoral oughts—what we ought to do to accomplish our goals, fulfill our desires, or maintain our commitments. For example, we could say, “If you want to be healthy, you ought not consume arsenic.” However, it might be morally wrong to consume arsenic. If it is, we have some more explaining to do.

#### In the Noumenal World, the only agential constant is practical reason.

Korsgaard [Korsgaard, Christine (Arthur Kingsley Porter Professor of Philosophy at Harvard University). “Creating The Kingdom of Ends: Reciprocity and Responsibility in Personal Relations.” (p. 317-318). https://www.people.fas.harvard.edu/~korsgaar/CMK.CKE.Essay.pdf]

On what I take to be the correct interpretation, the distinction is not between two kinds of beings, but between the beings of this world insofar as they are authentically active and the same beings insofar as we are passively receptive to them. The “gap” in our knowledge exists not because of the limits of experience but because of its essential nature: to experience something is (in part) to be passively receptive to it, and therefore we cannot have experiences of activity as such.xxvi As thinkers and choosers we must regard ourselves as active beings, even though we cannot experience ourselves as active beings, and so we place ourselves among the noumena, necessarily, whenever we think and act. According to this interpretation, the laws of the phenomenal world are laws that describe and explain our behavior. But the laws of the noumenal world are laws which are addressed to us as active beings; their business is not to describe and explain at all, but to govern what we do.xxvii Reason has two employments, theoretical and practical. We view ourselves as phenomena when we take on the theoretical task of describing and explaining our behavior; we view ourselves as noumena when our practical task is one of deciding what to do.xxviii The two standpoints cannot be mixed because these two enterprises - explanation and decision - are mutually exclusive.xxix These two ways of understanding the noumenal/phenomenal distinction yield very different interpretations of Kant’s strictures against trying to picture the relation between the noumenal and phenomenal worlds. On the ontological view, the question how the two worlds are related is one which, frustratingly, cannot be answered. On the active/passive view, it is one which cannot coherently be asked. There is no question that is answered by my descriptions of how Marilyn’s freedom interacts with the causal forces that determine her. For freedom is a concept with a practical employment, used in the choice and justification of action, not in explanation or prediction; while causality is a concept of theory, used to explain and predict actions but not to justify them.xxx There is no standpoint from which we are doing both of these things at once, and so there is no place from which to ask a question that includes both concepts in its answer.

#### O/W – A] Infinite Regress – certainty must answer “why” because it would otherwise allow agents to infinitely question why it’s true – other frameworks allow agents to question every part of it, but questioning reason concedes its authority which proves its inescapable. B] Action Theory – any action can be broken down into an infinite number of sub-actions. Without an account of what an action is, it’s impossible to ask questions about which actions are good. Practical reason solves – the intent to follow through on a maxim unites subactions into a full actions.

#### That justifies universal laws of morality.

#### 1] Principle of Equality – there’s no distinction between practical reasoners – its incoherent to claim that 1+1=2 just for me.

#### 2] Particularism justifies treating agents differently and not valuing their moral worth – justifies any norm which fails as a guide to action.

#### 3] Contradictions Explode – if we accept one contradiction we’d accept all statements since you could switch the first half of a disjunctive statement and render any second half true.

#### Thus, the standard is *consistency with universalizable maxims* – actions are ethical insofar as willing it doesn’t infringe on the ability to will it.

#### 1] Performativity – when you enter debate, you presume that you will be free to set and pursue ends in the round because of a system of reciprocally enforced constraints.

#### 2] Ideal Theory Good – a] end point – we’d constantly be fixing injustices as a precondition to ethical action so we never get to the bottom of what is actually ethical b] relevance – every society has different injustices that occur – the resolution is a universal values statement which means you cannot universalize any theory under nonideal theory.

#### 3] Epistemic Confidence – a] modesty is arbitrary in calculating ethical value which can’t serve as a guide to action b] self-defeating – you wouldn’t take two different pills because a doctor recommended one and a stranger another.

**Prefer Additionally:**

#### [1] 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. [D] Predictions are impossible because anything could lead to a butterfly effect of unexpected consequences i.e. sneezing becoming a tornado and killing thousands

#### [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

### 1AC – Core

#### 1] Private outer space appropriation isn’t universalizable and disrespects extra-terrestrial agential ends.

Segobaetso 18 [Brackets Original. Benjamin Segobaetso. “Ethical Implications of the Colonization, Privatization and Commercialization of Outer Space”. Major research paper submitted to the Faculty of Human Sciences and Philosophy, School of Public Ethics, Saint Paul University, in partial fulfilment of the requirements for the degree of Master of Arts in Public Ethics. May, 2018. Accessed 12/11/21. <https://ruor.uottawa.ca/bitstream/10393/38318/1/Benjamin_Segobaetso_2018.pdf> //Xu]

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 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). In applying Kant’s deontological moral theory, it must first be recognized that Kant visualized a kind of respect in which we all can recognize every rational being exists as an end in itself (1) as being not fully comprehensible by any human understanding, (2) as being an end in him- or herself, and (3) as being a potential source of moral law (Kant, 2012). In this regard, since Kant insinuated that the highest concept of the extraterrestrial intelligent species may be that of a terrestrial rational being [eines irdischen vernünftigen ]; that implies any encounter with extra-terrestrial intelligent life will compel us under the deontological moral theory to recognize that life as being not fully comprehensible by any human understanding, as being an end in itself, and as being a potential source of moral law (Kant, 2012). It must be realized that Kant’s deontology theory does not go without criticism by critical theorists who believe in dismantling all systems of oppression.

#### 2] Property rights are necessarily universalizable and must support global cosmopolitanism which runs contrary to the appropriation of space.

Walla 16 [Brackets Original. (Alice Pinheiro, Department of Philosophy at Trinity College Dublin) “Common Possession of the Earth and Cosmopolitan Right” Kant-Studien Volume 107 Issue 1, 2016] TDI

In the Doctrine of Right, Kant derives nations’ original community of the land from the fact that the possession of individuals (to which they have an original right), can be thought as a part of a determinate whole. National borders in connection with an internal civil condition make the extent of individual possessions relatively determinate. Borders delineate the scope of individual acquisition in a way which, although not peremptory until the institution of a cosmopolitan condition of distributive justice, is closer to the idea of right than leaving individuals to determine the limits of their acquisition in a wholly unilateral way (as in the state of nature). Unlike Locke, Kant has no theoretical resources for establishing the content (Inhalt) of occupation; the prior occupans must decide according to her own judgment if her possession is being infringed upon and consequently have a conception of the extent of her possession. Only the civil condition is able to provide relatively legitimate conditions for determining the scope of acquisition. This necessity makes Kant’s theory far more dependent on the institutionalization of right than Locke’s theory. The territorial rights of states can thus be understood as a necessary step towards a cosmopolitan condition of distributive justice. As Kant formulates in Perpetual Peace, “cosmopolitan rights shall be limited to the conditions of universal hospitality”. This is a right to offer oneself for commerce (Verkehr) with one another, be the subjects of these rights individuals or nations. As cosmopolitan right makes clear, the idea of common ownership of the earth presents itself under two different modes:(1) as basis of the acquired right of host peoples to their territory, enabling them to decline voluntary interaction, and (2) as the basis for the original right of individual citizens of the world or nations to offer themselves for interaction with foreign nations. In Perpetual Peace Kant called this right “right to visit”, which is neither a right to settle (ius incolatus ) nor to be a guest in the foreign land (kein Gastrecht ). As Kant stresses, host nations retain a right to reject the visitor on the condition that this can be done “without causing his destruction”. Although visitors have no claim to enter the foreign territory, they should not be treated with hostility by the inhabitants, if they behave peacefully. However, the original community of the earth also imposes constraints on the acquired right of host nations to control their borders. Kant makes clear that host nations have the right to reject visitors whenever their reason for interaction is voluntary. Similarly to the original right to a place on the surface of the earth, the right to admission in a foreign territory obtains only under the condition of involuntary occupation of space. Just as the occupation of space by virtue of one’s entry in the world is independent of one’s will, rejecting an involuntary visitor when this would harm or destroy her is incompatible with the original community of the earth. As Kant stresses, in principle no one has more claim to a specific area of the earth than another person. The global distribution of land is thus wholly contingent. Today’s nations can be seen as “permitted” to control a certain territory to the exclusion of others because borders are helpful for determining the extent of individual acquisition, at least within that territory. However, to deny life-saving occupation of space to another being, who is in principle just as entitled as anyone else to any place of the earth would be to contradict the very justification for the territorial rights of states. This is because the permission to control territory and the right of the involuntary visitor to be admitted are based on the same legal foundation or Rechtsgrund, namely, the original community of the earth. Kant could easily have insisted that the acquired right of nations to their territory not only has priority but trumps the original right of persons to occupy space. It is worthy of attention that he did not accept this in the case of involuntary occupation of space. My view is that cosmopolitan right signalizes a contradiction of the right to occupy space with itself under different modalities: on the one hand as the original right of individuals or nations to “be somewhere” (as belonging to the lex iusti) and on the other, the acquired right of peoples to their land (belonging to the lex iuridica). Kant distinguishes between three leges or conditions of justice: lex iusti, lex iuridica and lex iustitiae . The distinction is essential for understanding the relationship between Right as a system of external laws a priori and the subsequent developments of right. As Byrd and Hruschka stressed, the three leges correspond to three categories of modality in the Critique of Pure Reason: possibility (Möglichkeit), reality (Dasein) and necessity (Notwendigkeit ). They can be seen as different “modes” of the same idea of right: original right as the pure rational concept of right (possibility), acquired right as arising from concrete deeds or relations between agents (reality) and peremptory right as legitimized and enforced by a public court of justice (necessity). Although there is a positive development in the transition from the lex iusti, through the lex iuridica, to thelex iustitaedistributivae in the civil condition, the lex iusti is not made superfluous in the civil condition, but is still the source of the normativity, and consequently, of the legitimacy, of all further developments of right. The need for maintaining the compatibility of the development of right with its a priori normative source is what gives rise to cosmopolitan right. In this sense, cosmopolitan right in Kant’s theory has a similar function to the right of necessity in Grotius and imperfect rights and duties in Pufendorf’s theory. They are needed to avoid scenarios which would contradict the rationale for introducing certain rights. While Grotius, following the natural law tradition, appeals to the need of individuals as a basis for the original use right to land and natural resources, Kant does not make the need of individuals the basis of cosmopolitan right. Kant replaces the natural law idea that fundamental needs of human beings provide the content of natural law with the idea of the external exercise of freedom and the impact that unregulated interaction can have for the external freedom of individuals, assuming they have equal juridical status and thus an equal right to non-interference. While Grotius’ right of necessity excuses what would otherwise constitute violations of private property, Kant leaves private property untouched. He restricts himself to limitations to the rights of states to refuse entrants in their territory in case of involuntary occupation of space. Kant does not recognise a right of necessity. As he puts it in the Common Saying, to preserve one’s life is a conditional duty, that is, to be observed if this can be done without injustice (Verbrechen). Although it may seem too inflexible to insist upon the inviolability of private property, property rights are too central in Kant’s legal theory to be compromised. Therefore, the closest Kant comes to imposing limitations on acquired rights is cosmopolitan right. It is important to note how Kant replaces the natural law idea of human fundamental needs with occupation of space. The notion of original communityis used to justifya right to occupy a particular place in the earth. The mere existence of our bodies entails the occupation of a separate area in the world (Separatbesitz), which Kant considers an original right. Original acquisition of space (land) entails acquisition of natural resources, without the appeal to human needs. Further, the kind of community generated by the original right to occupy space is a radically different one from Grotius and Pufendorf. It is constituted by the unity of all potential places individuals can come to occupy on the earth . These potential places are considered disjunctively . Concretely, this means that no one is entitled to any specific area but only to a place on the surface of the earth. Everyone can, in principle, possess this or that place on the earth. The right to occupy a place on the earth is thus a disjunctively universal right(disjunctiv-allgemein). It is therefore only a contingent fact that persons (and consequently nations) have come to occupy a particular place on the earth, for instance, the present territory of France. This contingency plays an important role for Kant’s argument that there is a right to be admitted in case of involuntary interaction. Further, the community of the earth must also be understood as collectively universal (collectiv-allgemein) insofar as it is constituted by the idea of the union of all possible places on the earth . It is therefore not a community in the sense of a joint use of the earth, but a community constituted malgré soi, in virtue of the interconnectedness of all points within the closed spherical surface of the planet. The spatial relations between individuals are what constitute the global community, not God’s gift of the earth to humanity. However, one should not think, as Flikschuh argued, that Kant moved from “the fact of individual acquisition to the idea of original common possession” and thereby “inverted” the natural law sequence from common possession to individual acquisition. This would mean to take the original community to be constituted by empirically given facts. Kant is clear enough that the original community is an idea of reason and not acommunity that was “instituted” (gestiftete Gemeinschaft ). This failure to realize the rational (i.e., original) character of the idea of community of the earth is precisely what Kant takes to be the failure of Grotius’ and Pufendorf’s “primitive community” (uranfängliche Gemeinschaft, communio primaeva ). Kant’s departure from natural law theory is therefore not in an “inversion” of the sequence of ideas, but in his redefinition of central concepts of the natural law in terms of external freedom.

#### Cosmopolitanism through perpetual peace is necessary to escape a state of nature – it prevents the possibility of agency.

Barron 11 [Brackets Original. Anne Barron (Law Department, London School of Economics and Political Science). ”Kant, copyright and communicative freedom.” Law and philosophy. pp. 1- 48. 2011. Accessed 8/22/21. <http://eprints.lse.ac.uk/37521/1/Kant_Copyright_and_Communicative_Freedom_%28lsero%29.pdf> //Xu]

Occupying the first level within Kant’s system of rights is an ‘innate’ right to freedom, borne by human beings conceived of simply as agents: that is, as having recourse to nothing other than their innate means (their own bodily and mental powers) to pursue their ends in the empirical world. 46 It entails a right to use one’s own powers as one sees fit subject to the equivalent right of everyone else (hence, for example, using one’s powers to enslave others is wrongful). For Kant, however, freedom requires that persons also be able to have ‘external objects of choice’ at their disposal. Thus, a second level of Right – private right, regulating persons’ use of these means for pursuing their ends – can be rationally ‘postulated’ as an extension of the innate right to freedom and thereby also of the UPR. Invoking the divisions of Roman private law, Kant presents private right as necessarily reducible to three categories: property rights (subsisting in respect of things), contract rights (subsisting in respect of others’ actions) and what he calls domestic rights (subsisting in respect of other persons as such).47 Private right is however impossible except in “a rightful condition, under an authority giving laws publicly.” 48 Thus the third level in Kant’s system is public right, whereby a public authority exercising legislative, executive and judicial functions can enable private rights to be legitimately acquired, enforced and applied. Kant illustrates the problems arising in a ‘state of nature’ (a condition in which innate rights are insecure, and private rights can apply only provisionally, because of the absence of public right49) through his discussion of what is involved in initially acquiring a property right. This acquisition – though itself an exercise of external freedom – is a unilateral act that purports to exclude all others from the putative object of property, and so compromises the freedom of everyone else by subjecting them to the choice of the acquirer. A state of nature, then, is a condition in which everyone is at all times subject to the unilateral choices of everyone else.50 Since this condition is inconsistent with the possibility of anyone’s agency, a ‘civil’ condition in which individual rights could be endorsed, and rendered secure and determinate, by a public will – a public authority that acts for all – is morally required. Public right in turn has three dimensions. The first (just considered) regulates the relations of citizen-subjects within a state; the second is a system of international right, regulating relations between states; and the third is a system of what Kant calls ‘cosmopolitan’ right, regulating the relations of ‘citizens of the world’ (that is, individuals considered apart from their membership of any state) to foreign states. In the Rechtslehre and in “Toward Perpetual Peace” (an essay published in 1795) Kant defines the content of cosmopolitan right as limited to a ‘right of hospitality:’51 “the right of a foreigner not to be treated with hostility because he has arrived on the land of another.”52 Arguably, however, Kant sees the totality of rightful relations – comprising all three dimensions of public right – as forming a cosmopolitan polity. For Kant, all forms of public law have only provisional validity until such a polity has been established, because only in that event could a condition of war – an international state of nature – be definitively brought to an end in a context of global interdependence.53 “[We] must work toward establishing perpetual peace and the kind of constitution that seems to us most conducive to it (say, a republicanism of all states, together and separately).”54 Involved in Kant’s concept of Right, then, is an idea of progress towards a just political order:55 a global system of reciprocal external freedom, realized through law. The establishment of sovereign states is only the first step towards this end. Central to Kant’s account of how further progress is possible are two interrelated principles: the principle of the independence of every member of each state as a citizen – “that is, as a co-legislator”56 – and the principle of publicity.

#### 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.”

## ADV

#### Asteroid mining spikes the risk of satellite-dust collisions

Scoles 15 [(Sarah Scoles, freelance science writer, contributor at Wired and Popular Science, author of the books Making Contact and They Are Already Here) “Dust from asteroid mining spells danger for satellites,” New Scientist, May 27, 2015, <https://www.newscientist.com/article/mg22630235-100-dust-from-asteroid-mining-spells-danger-for-satellites/>] TDI

* Study this is citing – Javier Roa, Space Dynamic Group, Applied Physics Department, Technical University of Madrid. Casey J Handmer, Theoretical Astrophysics, California Institute of Technology. Both PhD Candidates. “Quantifying hazards: asteroid disruption in lunar distant retrograde orbits,” arXiv, Cornell University, May 14, 2015, <https://arxiv.org/pdf/1505.03800.pdf>

NASA chose the second option for its [Asteroid Redirect Mission](http://www.nasa.gov/content/what-is-nasa-s-asteroid-redirect-mission/), which aims to [pluck a boulder from an asteroid’s surface](https://www.newscientist.com/article/dn27243-rock-grab-from-asteroid-will-aid-human-mission-to-mars) and relocate it to a stable orbit around the moon. But an asteroid’s gravity is so weak that it’s not hard for surface particles to escape into space. Now a new model warns that debris shed by such transplanted rocks could intrude where many defence and communication satellites live – in geosynchronous orbit.

According to [Casey Handmer](http://www.caseyhandmer.com/) of the California Institute of Technology in Pasadena and Javier Roa of the Technical University of Madrid in Spain, 5 per cent of the escaped debris will end up in regions traversed by satellites. Over 10 years, it would cross geosynchronous orbit 63 times on average. A satellite in the wrong spot at the wrong time will suffer a damaging high-speed collision with that dust.

The study also looks at the “catastrophic disruption” of an asteroid 5 metres across or bigger. Its total break-up into a pile of rubble would increase the risk to satellites by more than 30 per cent ([arxiv.org/abs/1505.03800](http://arxiv.org/abs/1505.03800)).

#### Space dust wrecks satellites and debris exponentially spirals

Intagliata 17 [(Christopher Intagliata, MA Journalism from NYU, Editor for NPRs All Things Considered, Reporter/Host for Scientific American’s 60 Second Science) “The Sneaky Danger of Space Dust,” Scientific American, May 11, 2017, <https://www.scientificamerican.com/podcast/episode/the-sneaky-danger-of-space-dust/>] TDI

When tiny particles of space debris slam into satellites, the collision could cause the emission of hardware-frying radiation, Christopher Intagliata reports.

Aside from all the satellites, and the space station orbiting the Earth, there's a lot of trash circling the planet, too. Twenty-one thousand [baseball-sized chunks](https://www.scientificamerican.com/article/orbital-debris-space-fence/) of debris, [according to NASA](https://www.orbitaldebris.jsc.nasa.gov/faq.html). But that number's dwarfed by the number of small particles. There's hundreds of millions of those.

"And those smaller particles tend to be going fast. Think of picking up a grain of sand at the beach, and that would be on the large side. But they're going 60 kilometers per second."

Sigrid Close, an applied physicist and astronautical engineer at Stanford University. Close says that whereas mechanical damage—like punctures—is the worry with the bigger chunks, the dust-sized stuff might leave more insidious, invisible marks on satellites—by causing electrical damage.

"We also think this phenomenon can be attributed to some of the failures and anomalies we see on orbit, that right now are basically tagged as 'unknown cause.'"

Close and her colleague Alex Fletcher modeled this phenomenon mathematically, based on plasma physics behavior. And here's what they think happens. First, the dust slams into the spacecraft. Incredibly fast. It vaporizes and ionizes a bit of the ship—and itself. Which generates a cloud of ions and electrons, traveling at different speeds. And then: "It's like a spring action, the electrons are pulled back to the ions, ions are being pushed ahead a little bit. And then the electrons overshoot the ions, so they oscillate, and then they go back out again.”

That movement of electrons creates a pulse of electromagnetic radiation, which Close says could be the culprit for some of that electrical damage to satellites. The study is in the journal Physics of Plasmas. [Alex C. Fletcher and Sigrid Close, [Particle-in-cell simulations of an RF emission mechanism associated with hypervelocity impact plasmas](http://aip.scitation.org/doi/full/10.1063/1.4980833)]xm

#### Scenario 1 is Climate

#### Earth observation satellites key to warming adaptation

Alonso 18 [(Elisa Jiménez Alonso, communications consultant with Acclimatise, climate resilience organization) “Earth Observation of Increasing Importance for Climate Change Adaptation,” Acclimatise, May 2, 2018, <https://www.acclimatise.uk.com/2018/05/02/earth-observation-of-increasing-importance-for-climate-change-adaptation/>] TDI

Earth observation (EO) satellites are playing an increasingly important role in assessing climate change. By providing a constant and consistent stream of data about the state of the climate, EO is not just improving scientific outcomes but can also inform climate policy.

Managing climate-related risks effectively requires accurate, robust, sustained, and wide-ranging climate information. Reliable observational climate data can help scientists test the accuracy of their models and improve the science of attributing certain events to climate change. Information based on projections from models and historic data can help decision makers plan and implement adaptation actions.

Providing information in data-sparse regions

Ground-based weather and climate monitoring systems only cover about 30% of the Earth’s surface. In many parts of the world such data is incomplete and patchy due to poorly maintained weather stations and a general lack of such facilities.

EO satellites and rapidly improving satellite technology, especially data from open access programmes, offer a valuable source information for such data-sparse regions. This is especially important since countries and regions with a lack of climate data are often particularly vulnerable to climate change impacts.

International efforts for systematic observation

The importance of satellite-based observations is also recognised by the international community. Following the recommendations of the World Meteorological Organization’s (WMO) Global Climate Observing System (GCOS) programme, the UNFCCC strongly encourages countries that support space agencies with EO programmes to get involved in GCOS and support the programme’s implementation. The Paris Agreement highlights the need for and importance of effective and progressive responses to the threat of climate change based on the best available scientific knowledge. This implies that climate knowledge needs to be strengthened, which includes continuously improving systematic observations of the Earth’s climate.

To meet the need of such systematic climate observations, GCOS developed the concept of the Essential Climate Variable, or ECV. According to WMO, an ECV “is a physical, chemical or biological variable or a group of linked variables that critically contributes to the characterization of Earth’ s climate.” In 2010, 50 ECVs which would help the work of the UNFCCC and IPCC were defined by GCOS. The ECVs, which can be seen below, were identified due to their relevance for characterising the climate system and its changes, the technical feasibility of observing or deriving them on a global scale, and their cost effectiveness.

The 50 Essential Climate Variables as defined by GCOS.

One effort supporting the systemic observation of the climate is the European Space Agency’s (ESA) Climate Change Initiative (CCI). The programme taps into its own and its member countries’ EO archives that have been established in the last three decades in order to provide a timely and adequate contribution to the ECV databases required by the UNFCCC.

Robust evidence supporting climate risk management

Earth observation satellites can observe the entire Earth on a daily basis (polar orbiting satellites) or continuously monitor the disk of Earth below them (geostationary satellites) maintaining a constant watch of the entire globe. Sensors can target any point on Earth even the most remote and inhospitable areas which helps monitor deforestation in vast tropical forests and the melting of the ice caps.

Without insights offered by EO satellites there would not be enough evidence for decision makers to base their climate policies on, increasing the risk of maladaptation. Robust EO data is an invaluable resource for collecting climate information that can inform climate risk management and make it more effective.

#### Warming causes extinction

Klein 14[(Naomi Klein, award-winning journalist, syndicated columnist, former Miliband Fellow at the London School of Economics, member of the board of directors of 350.org), *This Changes Everything: Capitalism vs. the Climate*, pp. 12-14]

In a 2012 report, the World Bank laid out the gamble implied by that target. “As global warming approaches and exceeds 2-degrees Celsius, there is a risk of triggering nonlinear tipping elements. Examples include the disintegration of the West Antarctic ice sheet leading to more rapid sea-level rise, or large-scale Amazon dieback drastically affecting ecosystems, rivers, agriculture, energy production, and livelihoods. This would further add to 21st-century global warming and impact entire continents.” In other words, once we allow temperatures to climb past a certain point, where the mercury stops is not in our control.¶ But the bigger problem—and the reason Copenhagen caused such great despair—is that because governments did not agree to binding targets, they are free to pretty much ignore their commitments. Which is precisely what is happening. Indeed, emissions are rising so rapidly that unless something radical changes within our economic structure, 2 degrees now looks like a utopian dream. And it’s not just environmentalists who are raising the alarm. The World Bank also warned when it released its report that “we’re on track to a 4-C warmer world [by century’s end] marked by extreme heat waves, declining global food stocks, loss of ecosystems and biodiversity, and life-threatening sea level rise.” And the report cautioned that, “there is also no certainty that adaptation to a 4-C world is possible.” Kevin Anderson, former director (now deputy director) of the Tyndall Centre for Climate Change, which has quickly established itself as one of the U.K’s premier climate research institutions, is even blunter; he says 4 degrees Celsius warming—7.2 degrees Fahrenheit—is “incompatible with an organized, equitable, and civilized global community.”¶ We don’t know exactly what a 4 degree Celsius world would look like, but even the best-case scenario is likely to be calamitous. Four degrees of warming could raise global sea levels by 1 or possibly even 2 meters by 2100 (and would lock in at least a few additional meters over future centuries). This would drown some island nations such as the Maldives and Tuvalu, and inundate many coastal areas from Ecuador and Brazil to the Netherlands to much of California and the northeastern United States as well as huge swaths of South and Southeast Asia. Major cities likely in jeopardy include Boston, New York, greater Los Angeles, Vancouver, London, Mumbai, Hong Kong, and Shanghai.¶ Meanwhile, brutal heat waves that can kill tens of thousands of people, even in wealthy countries, would become entirely unremarkable summer events on every continent but Antarctica. The heat would also cause staple crops to suffer dramatic yield losses across the globe (it is possible that Indian wheat and U.S. could plummet by as much as 60 percent), this at a time when demand will be surging due to population growth and a growing demand for meat. And since crops will be facing not just heat stress but also extreme events such as wide-ranging droughts, flooding, or pest outbreaks, the losses could easily turn out to be more severe than the models have predicted. When you add ruinous hurricanes, raging wildfires, fisheries collapses, widespread disruptions to water supplies, extinctions, and globe-trotting diseases to the mix, it indeed becomes difficult to imagine that a peaceful, ordered society could be sustained (that is, where such a thing exists in the first place).¶ And keep in mind that these are the optimistic scenarios in which warming is more or less stabilized at 4 degrees Celsius and does not trigger tipping points beyond which runaway warming would occur. Based on the latest modeling, it is becoming safer to assume that 4 degrees could bring about a number of extremely dangerous feedback loops—an Arctic that is regularly ice-free in September, for instance, or, according to one recent study, global vegetation that is too saturated to act as a reliable “sink”, leading to more carbon being emitted rather than stored. Once this happens, any hope of predicting impacts pretty much goes out the window. And this process may be starting sooner than anyone predicted. In May 2014, NASA and the University of California, Irvine scientists revealed that glacier melt in a section of West Antarctica roughly the size of France now “appears unstoppable.” This likely spells down for the entire West Antarctic ice sheet, which according to lead study author Eric Rignot “comes with a sea level rise between three and five metres. Such an event will displace millions of people worldwide.” The disintegration, however, could unfold over centuries and there is still time for emission reductions to slow down the process and prevent the worst. ¶ Much more frightening than any of this is the fact that plenty of mainstream analysts think that on our current emissions trajectory, we are headed for even more than 4 degrees of warming. In 2011, the usually staid International Energy Agency (IEA) issued a report predicting that we are actually on track for 6 degrees Celsius—10.8 degrees Fahrenheit—of warming. And as the IEA’s chief economist put it: “Everybody, even the school children, knows that this will have catastrophic implications for all of us.” (The evidence indicates that 6 degrees of warming is likely to set in motion several major tipping points—not only slower ones such as the aforementioned breakdown of the West Antarctic ice sheet, but possibly more abrupt ones, like massive releases of methane from Arctic permafrost.) The accounting giant PricewaterhouseCoopers as also published a report warning businesses that we are headed for “4-C , or even 6-C” of warming.¶ These various projections are the equivalent of every alarm in your house going off simultaneously. And then every alarm on your street going off as well, one by one by one. They mean, quite simply, that climate change has become an existential crisis for the human species. The only historical precedent for a crisis of this depth and scale was the Cold War fear that we were headed toward nuclear holocaust, which would have made much of the planet uninhabitable. But that was (and remains) a threat; a slim possibility, should geopolitics spiral out of control. The vast majority of nuclear scientists never told us that we were almost certainly going to put our civilization in peril if we kept going about our daily lives as usual, doing exactly what we were already going, which is what climate scientists have been telling us for years. ¶ As the Ohio State University climatologist Lonnie G. Thompson, a world-renowned specialist on glacier melt, explained in 2010, “Climatologists, like other scientists, tend to be a stolid group. We are not given to theatrical rantings about falling skies. Most of us are far more comfortable in our laboratories or gathering data in the field than we are giving interviews to journalists or speaking before Congressional committees. When then are climatologists speaking out about the dangers of global warming? The answer is that virtually all of us are now convinced that global warming poses a clear and present danger to civilization.”

### UV

**1] 1AR theory is legit – anything else means infinite abuse – drop the debater – 1AR is too short to make up for the time trade-off – no RVIs – 6 min 2NR means they can brute force me every time – competing interps – reasonability narrows the theory debate to one issue of brightline, making it easy for the Neg to collapse to the issue in the long 2NR – 1AR theory is the highest layer – the NC has 7 minutes to be abusive and 6 minutes to leverage the abuse against 1A theory in the 2N, making checking abuse lexically impossible**

**2] Give me new weighing in the 2AR for 1AR shells – I don’t know what arguments will be read in the 2NR so 1AR weighing is impossible as I don’t know what to weigh against.**

**3] Affirm if I win offense to a counterinterp A] Timeskew – 6 Minute 2NR with collapse to whatever I undercover means that you can win theory and substance, but I need to go for both in half the time and split it between the 2 layers. B] Reciprocity – you get T and theory so I should get theory and an RVI to make the burden reciprocal.**

1. https://dictionary.cambridge.org/us/dictionary/english/unjust

   [↑](#footnote-ref-1)