# TOC R1 vs. Lexington AK

## Offs

### NC

#### The role of the ballot is determine the truth or falsity of the resolution.

**[1] Constitutive: The ballot asks you to either vote aff or neg based on the given resolution a) Five dictionaries[[1]](#footnote-1) define to negate as to deny the truth of and affirm[[2]](#footnote-2) as to prove true which means its intrinsic to the nature of the activity**

#### Permissibility negates – A] Semantics - unjust is defined as morally prohibited or bad which means permissibility is definitionally negative ground as proving the affirmative would require proving a prohibition which permissibility denies – B] Shiftiness – Permissibility ground encourages the aff to load up with triggers and the 1ar controls the direction of the round which means they can moot all my offense, I need permissibility in the 2n to compensate

#### Presumption negates – A] We assume statements to be false until proven true. That is why we don’t believe in alternate realities or conspiracy theories. The lack of a reason something is false does not mean it is assumed to be true – B] Statements are more often false then true. If I say this pen is red, I can only prove it true in one way by demonstrating that it is indeed red, where I can prove it false in an infinite amount of ways.

#### Their framework doesn’t explain a coherent solution to skepticism. To clarify, ethical frameworks are capable of justifying why skepticism is false, we are simply just proving that their framework isn’t actually sufficient to be an ethical theory capable of responding to skep:

#### 1] Hume’s Guillotine – nothing can cross the is-ought gap, Hume 1739:

David Hume, Philosopher, “A Treatise of Human Nature,” 1739 //LHP AV

**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 ways of reasoning**, and establishes the being of a God, **or makes observations concerning human affairs**; **when** all 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** should be given; **for what seems altogether inconceivable**, **how this new relation can be a deduction from others, which are entirely different from it.**

#### 2] Cartesian skepticism – truth requires absolute certainty, Sinnott-Armstrong 15:

Sinnot-Armstrong, Walter, (Philosopher), “Moral Skepticism”, Stanford Encyclopedia of Philosophy. September 17, 2015. <https://plato.stanford.edu/entries/skepticism-moral/#MorExp>. //LHP AV

The final kind of argument derives from René Descartes (1641). I do not seem justified in believing that what I see is a lake if I cannot rule out the possibility that it is a bay or a bayou. Generalizing**, if there is any contrary hypothesis that I cannot rule out, then I am not justified in believing** that **what I see** is a lake. **This is** supposed to be **a common standard for justified belief**. When this principle is applied thoroughly, **it leads to skepticism**. **All a skeptic needs to show is that, for each belief, there is some contrary hypothesis that cannot be ruled out**. It need not be the same hypothesis for every belief, but skeptics usually buy wholesale instead of retail, so they seek a single hypothesis that is contrary to all (or many common) beliefs and which cannot be ruled out in any way.

#### One cannot rule out the possibility of a deceptive demon, Sinnott-Armstrong 2:

Sinnot-Armstrong, Walter, (Philosopher), “Moral Skepticism”, Stanford Encyclopedia of Philosophy. September 17, 2015. <https://plato.stanford.edu/entries/skepticism-moral/#MorExp>. //LHP AV

The famous Cartesian hypothesis is of **[Consider]** **a demon who deceives me in all of my beliefs about the external world, while also ensuring that my beliefs are completely coherent.** **This** possibility **cannot be ruled out by any experiences or beliefs, because of how the deceiving demon is defined**. This hypothesis is also contrary to my beliefs about the lake. So **my beliefs** about the lake **are not justified**, according to the above principle. And there is nothing special about my beliefs about the lake. **Everything I believe about the external world is incompatible with the deceiving demon hypothesis.** Skeptics conclude that **no** such **belief is justified.**

#### 3] Solipsism – we can only verify our own existence – their framing doesn’t explain how we can verify others as agents, and the only possible response is falsely assuming so without justification.

#### 4] Culpability – their framing cant prescribe obligations in the physical towards agents – a strong divide between the noumenal and phenomenal means that ethical calculus in one cannot transfer into the other as obligations are nonsensical in the physical if reason exists independent.

#### 5] One can never justify the inference from p to q without another proposition – that’s infinitely regressive, so all logical argumentation is impossible – turns regress - Carroll 95:

Reprinted from Lewis Carroll, [Charles Lutwidge Dodgson, better known by his pen name Lewis Carroll, was an English writer of children's fiction, notably Alice's Adventures in Wonderland and its sequel Through the Looking-Glass. He was noted for his facility with word play, logic, and fantasy.] "What the Tortoise Said to Achilles," Mind 4, No. 14 (April 1895): 278-280. //LHP AV DOA: 7/13/21

**Achilles had overtaken the Tortoise**, and had seated himself comfortably on its back. "So you've got to the end of our race-course?" said the Tortoise. "Even though it does consist of an infinite series of distances? I thought some wiseacre or other had proved that the thing couldn't be done?" "It can be done," said Achilles. "It has been done! Solvitur ambulando. You see **the distances were constantly diminishing**; and so --" "**But if they had been constantly increasing**?" the Tortoise interrupted "How then?" "Then I shouldn't be here," Achilles modestly replied; "and you would have got several times round the world, by this time!" "You flatter me -- flatten, I mean" said the Tortoise; "for you are a heavy weight, and no mistake! Well now, **would you like to hear of a race-course, that most people fancy they can get to the end of in two or three steps, while it really consists of an infinite number of distances, each one longer than the previous one?"** "Very much indeed!" said the Grecian warrior, as he drew from his helmet (few Grecian warriors possessed pockets in those days) an enormous note-book and a pencil. "Proceed! And speak slowly, please! Shorthand isn't invented yet!" "That beautiful First Proposition of Euclid!" the Tortoise murmured dreamily. "You admire Euclid?" "Passionately! So far, at least, as one can admire a treatise that won't he published for some centuries to come!" "Well, now, let's take a little bit of the argument in that First Proposition -- just two steps, and the conclusion drawn from them. Kindly enter them in your notebook. And in order to refer to them conveniently**, let's call them A, B, and Z**: -- (**A)** **Things that are equal to the same are equal to each other**. (**B) The two sides of this Triangle** **are** things that are **equal to the same**. (**Z) The two sides** of this Triangle **are equal** to each other. Readers of Euclid will grant, I suppose, that Z follows logically from A and B, so that any one who accepts A and B as true, must accept Z as true?" "Undoubtedly! The youngest child in a High School -- as soon as High Schools are invented, which will not be till some two thousand years later -- will grant that." "And if some reader had not yet accepted A and B as true, he might still accept the sequence as a valid one, I suppose?" "No doubt such a reader might exist. He might say 'I accept as true **the Hypothetical Proposition that, if A and B be true, Z must be true**; but, I don't accept A and B as true.' Such a reader would do wisely in abandoning Euclid, and taking to football." "And might there not also he **some reader who would say 'I accept A and B** as true, **but I don't accept the Hypothetical** '?" "Certainly there might. He, also, had better take to football." "And neither of these readers," the Tortoise continued, "is as yet under any logical necessity to accept Z as true?" "Quite so," Achilles assented. "Well, now, I want you to consider me as a reader of the second kind, and to force me, logically, to accept Z as true." "A tortoise playing football would be -- " Achilles was beginning "-- an anomaly, of course," the Tortoise hastily interrupted. "Don't wander from the point. Let's have Z first, and football afterwards!" "I'm to force you to accept Z, am I?" Achilles said musingly. "And your present position is that **you accept A and B, but you don't accept the Hypothetical** --" "Let's call it **C**," said the Tortoise. "-- but you don't accept **(C) If A and B are true, Z must be true**. " "That is my present position," said the Tortoise. "**Then I must ask you to accept C."** "I'll do so," said the Tortoise, "as soon as you've entered it in that note-book of yours. What else have you got in it?" "Only a few memoranda," said Achilles, nervously fluttering the leaves: "a few memoranda of -- of the battles in which I have distinguished myself!" "Plenty of blank leaves, I see!" the Tortoise cheerily remarked. "We shall need them all!" (Achilles shuddered.) "Now write as I dictate: -- (A) Things that arc equal to the same are equal to each other. (B) The two sides of this Triangle are things that are equal to the same. (C) If A and B are true, Z must be true. (Z) The two sides of this Triangle are equal to each other." "You should call it D, not Z," said Achilles. "It comes next to the other three. If you accept A and B and C, you must accept Z." "And why must I?" "Because it follows logically from them. If A and B and C are true, Z must be true. You don't dispute that, I imagine?" "**If A and B and C are true, Z must be true**," the Tortoise thoughtfully repeated. "**That's another Hypothetical**, isn't it? And, if I failed to see its truth, I might accept A and B and C', and still not accept Z. mightn't I?" "You might," the candid hero admitted; "though such obtuseness would certainly be phenomenal. Still, the event is possible. **So I must ask you to grant one more Hypothetical**." "Very good. I'm quite willing to grant it, as soon as you've written it down. We will call it (**D) If A and B and C are true, Z must be true**. "Have you entered that in your notebook?" "I have!" Achilles joyfully exclaimed, as he ran the pencil into its sheath. "And at last we've got to the end of this ideal race-course! Now that you accept A and B and C and D, of course you accept Z." "Do I?" said the Tortoise innocently. "Let's make that quite clear. I accept A and B and C and D. Suppose I still refused to accept Z?" "Then Logic would force you to do it!" Achilles triumphantly replied. "Logic would tell you 'You can't help yourself. Now that you've accepted A and B and C and D, you must accept Z!' So you've no choice, you see." "Whatever Logic is good enough to tell me is worth writing down," said the Tortoise. "So enter it in your book, please. We will call it (E) If A and B and C and D are true, Z must be true. Until I've granted that, of course I needn't grant Z. So it's quite a necessary step, you see?" "I see," said Achilles; and there was a touch of sadness in his tone. Here narrator, having pressing business at the Bank, was obliged to leave the happy pair, and did not again pass the spot until some months afterwards. When he did so, Achilles was still seated on the back of the much-enduring Tortoise, and was writing in his note-book, which appeared to be nearly full. The Tortoise was saying, "**Have you got that last step written down? Unless I've lost count, that makes a thousand and one. There are several millions more to come**. And would you mind, as a personal favour, considering what a lot of instruction this colloquy of ours will provide for the Logicians of the Nineteenth Century -- would you mind adopting a pun that my cousin the Mock-Turtle will then make, and allowing yourself to be re-named Taught-Us?" "As you please!" replied the weary warrior, in the hollow tones of despair, as he buried his face in his hands. "Provided that you, for your part, will adopt a pun the Mock-Turtle never made, and allow yourself to be re-named A Kill-Ease!"

#### 6] Zeno’s Paradox – assume we are starting at any position A and want to get to position Z. In order to move from position A to Z we must cross halfway point B, but in order to get to position B, we must cross the halfway point in between A and B, being C, and so on until infinity. Two impacts: a] movement is theoretically illogical thus the plan does nothing means you vote negative on presumption b] empirical conjectures result in external world skep – disproving logical premises with material examples justifies a disconnect between logic and the physical. Proving motion possible in the physical proves a rejection of the physical given the illogicality of the example, meaning we could be deceived and its not verifiable.

### Theory

#### Interpretation: The affirmative debater must articulate a distinct ROB in the form of a delineated text in the 1AC.

#### Violation: They don’t

#### Standards:

#### 1. Strat Skew – Absent a text in the 1AC, they can read multiple pieces of offense under different ROBs and then read a new one in the 1AR so they never substantively lose debates under the ROB, it just always becomes a 2nr debate about whether the ROB is good or not comparatively to the 1n’s which moots engagement. That means infinite abuse – Reading a new ROB in the 1AR makes it so all you have to do is dump on the 1N ROB and marginally extend your warrants in the 2ar and the neg can’t do anything about it since there is no 3NR to answer the 2ar weighing or extrapolations, you already have conceded offense, all you need is the ROB.

#### 2. Reciprocity – (a) restarting the ROB debate in the 1ar puts you at a 7-6 advantage– putting it in the aff makes it 13-13 (b) you have one more speech to contest my ROB and weigh (c) I can only read a ROB in the 1N so you should read it in your first speech– that’s definitionally an equal burden.

#### Fairness– A] it determines the ability to test the truth of any arguments which is a sequencing question to the ballot – B] debate is a competitive game that requires an objective evaluation or else no one would play the game

#### No RVIs – A] Logic – you don’t win for being topical, that’s a logical burden – B] justifies baiting theory and being abusive to win on it – chilling theory

#### Drop the debater – A] DTA on is incoherent – B] the round was skewed so you can’t evaluate it – C] deters future abuse

#### Competing interps – A] a question of competing models – B] reasonability incenvitizes judge intervention to evaluate whats reasonable

## Case

### Underview

### Framework

### Offense

#### Kant Negates –

#### 1] Injustice requires someone wronged, but initial acquisition doesn’t violate any entity’s rights– therefore, private appropriation of outer space cannot be unjust, Feser 05:

Edward Feser, [Associate Professor of Philosophy at Pasadena City College] “THERE IS NO SUCH THING AS AN UNJUST INITIAL ACQUISITION,” 2005 //LHP AV

The reason **there is no such thing as an unjust initial acquisition** of resources is that there is no such thing as either a just or an unjust initial acquisition of resources. The concept of **justice**, that is to say, simply **does not apply** to initial acquisition. **It applies only after initial acquisition has already taken place**. In particular, it applies only to transfers of property (and derivatively, to the rectification of injustices in transfer). This, it seems to me, is a clear implication of the assumption (rightly) made by Nozick that **external resources are initially unowned**. Consider the following example. **Suppose** **an individual** **A seeks to acquire some previously unowned resource R**. **For it to be** the case that A commits an **injustice** in acquiring R, it would also have to be the case that **there is some individual** **B** (or perhaps a group of individuals) **against whom A commits the injustice**. **But for B to have been wronged** by A’s acquisi- tion of R, **B would have to have had a rightful claim over R,** **a right to R**. By hypothesis, **however**, **B did not have a right to R, because no one had a right to it—it was unowned, after all**. So B was not wronged and could not have been. In fact, **the very first person who could conceivably be wronged by anyone’s use of R would be, not B, but A himself, since A is the first one to own R**. Such a wrong would in the nature of the case be an injustice in transfer—in unjustly taking from A what is rightfully his—not in initial acquisition. **The same thing, by extension, will be true of all unowned resources: it is only after some- one has initially acquired them that anyone could unjustly come to possess them, via unjust transfer**. It is impossible, then, for there to be any injustices in initial acquisition.7

#### 2] Original Acquisition doesn’t impose new obligations, but restriction of unilateralism is contrary to freedom, Sage 12:

Sage, Nicholas W., [Assistant Professor of Law, London School of Economics and Political Science Law School, teach and write about private law, especially contract, property, and tort, particularly interested in theoretical questions about how to understand and justify these areas of law, as well as related issues in moral and political philosophy.] “Original Acquisition and Unilateralism: Kant, Hegel, and Corrective Justice” (January 1, 2012). Canadian Journal of Law and Jurisprudence, Vol. 25, No. 1, pp. 119-36, January 2012, Available at SSRN: <https://ssrn.com/abstract=2033518> // LHP PS

**Consider how** the **unilateralism problem is formulated**. **Original acquisition is called ‘unilateral’ because the acquirer’s action ‘limits’ other persons’ ‘freedom’**—**it imposes a new ‘constraint,’ ‘duty’ or ‘obligation,’ it ‘changes their normative situation.**’64 If those terms have their ordinary meanings then original acquisition is indeed ‘unilateral.’ **One person’s action means that a certain object is no longer available for others to access**. To that extent, the freedom of those persons is limited, they are under new constraints, duties or obligations, and their normative situation is changed. In an all-things-considered moral universe this would be troubling. **But in the Kantian right, unilateralism in this sense is irrelevant.** A specific conception of freedom carries the “justificatory burden of [Kant’s] entire argument”.65 **Limitations, constraints, duties, and obligations are immaterial unless they contravene this conception**. Likewise, **normative change matters** **only** if **it implicates Kant’s singular norm of freedom**. Recall that **for Kant ‘freedom’ means only that each person’s action must be their own**—**it cannot be chosen by any other person**. **This conception of** **freedom is purely relational and strictly negative**. That is brought out in the contrast between, on the one hand, **a person’s purposive action, and on the other, the ‘context’ for their action or their ‘mere wishes’**. **A person has no right to any particular context for the exercise of their action.** Moreover, **a person’s mere wish for something creates no entitlement to it.** Indeed, even a desperate need for a particular resource **does not bind anyone else**. Why does Kant insist that, while a person’s action necessarily commands respect, their mere wish or need never binds others?66 One answer is that **Kant’s system concerns only relations between persons, and wishes and needs are non-relational: they bear no necessary relation to any other person**. **A person can wish for or need something even though no other person could get it for them.** But what about wishes or needs that can be realized with others’ help? Most of us think that people ought to respect each other’s needs and at least some wishes when this is practicable. **Kant’s answer is that if my wish or need bound you as a matter of right then I would be choosing your action for you. Even if you did not want to, you would have to direct your action toward satisfying my wishes or needs. I would thus be using your purposiveness to achieve my ends.** That would be inconsistent with your freedom—your right that you alone choose how you exercise your purposiveness.67 Thus, one way that I could violate your freedom—**one way I could choose your action for you—is by forcing you to satisfy my wish, thereby using your purposiveness to achieve my end**. There is also another way I could choose your action for you: by acting myself such that I foreseeably interfere with your action. When my action interferes with yours, your exercise of your purposiveness does not produce the end that you intended. Instead it produces some other end, which I have effectively substituted and thereby chosen for you. (Since it is not always obvious whether an interference that happens to result from my action is properly regarded as my choice, sophisticated systems of private right develop objective tests to decide.)68 **Under the Kantian conception of freedom, original acquisition is unproblematic because your taking control of an unowned object is just your own action**. To take **control of the object is to subject it to your action. You do not, in taking control of an object, choose any other person’s action for them.** **You do not use anyone else’s purposiveness to achieve your end, you just exercise your own purposiveness**. **Nor does your action interfere with anyone else’s action—by definition, the object in question, which you are originally acquiring, is not yet subjected to any other person’s control or action.** **Thus, the object is at most the target of others’ potential action—in other words, of their mere wishes.** **That is irrelevant for Kant**. We can see the same point by recalling that, for Kant, the categories of private law entitlement embody ‘freedom’: they reflect the ways in which persons extend their action or purposiveness in the world.69 A person acts through their body, so they have an entitlement to bodily integrity. **A person can also acquire a property right over an object that is separate from the body, by subjecting the object to their action through taking control**. **Now, prior to original acquisition an object is clearly not part of any person’s body, nor is it any person’s property. No person has any entitlement to the object**. Which is just to say that **no person has yet subjected it to their action. Therefore the object is** as yet **unconnected** **to any person in a way that is recognized by the Kantian right.** **An unacquired object may be connected to persons only in ways that are irrelevant**. (For example, as the target of a wish, or as the anticipated context for their actions.) We might say, then, that prior to its acquisition an object—which does not have any normative standing of its own—is invisible to the Kantian right. An object appears for the very first time upon acquisition, already incorporated into some person’s sphere of external purposiveness. Or more accurately, **since rights are always relational,** we could say that the **Kantian right sees just the interrelation between two persons’ spheres of externalized purposiveness**—one or both of which may have already extended over objects. **The formulations of the unilateralism problem obscure all this**. **Original acquisition** does diminish ‘freedom’ in one sense: it **shrinks the domain of objects that are available for others to access in the future**—the domain of objects **that could potentially be subjected to others’ action**. But that **has nothing to do with Kantian freedom**. Likewise, as a pragmatic matter original acquisition imposes a constraint, duty or obligation: others are now obligated not to deal with a certain object. But **in Kantian terms obligations are unchanged: each person must respect each other’s action; one person’s action now happens to extend over the object in question.** Finally, original acquisition changes others’ normative situation, conceived as a sort of catalog of options they might pursue or objects they could potentially subject to their action. But from **Kant’s perspective, their normative situation remains the same.** **The object remains unsubjected to their action, and they remain obligated to respect the acquirer’s.** That an object other persons could have extended their action over is now unavailable to them has no significance for Kant. It is **only if we see the world i**n terms irrelevant to Kantian right—not as a world of purposive agents related to each other through their external actions and choices, but as **a world of physical objects or resources and creatures with wishes and needs for them—that original acquisition is problematically ‘unilateral**.’ That a non-Kantian conception of freedom is required to render original acquisition problematic is brought out by Ripstein’s discussion of property rights. **Ripstein argues** that **original acquisition** is uniquely problematic 18 because one person’s **unilateral act imposes “new obligations**” **on others**.70 To show that this problem is unique to original acquisition, Ripstein contrasts the purchase of an object with its original acquisition. Based on his examples, we can contrast two scenarios: 1. (1)  Just before another person enters the stamp dealer’s store, you buy the rare stamp they had been saving to purchase. 2. (2)  The stamp is on an envelope discarded in the gutter. Just before another person grabs the envelope, you take it for yourself. Ripstein claims that in (1), the purchase scenario, you do not unilaterally impose a “new obligation”,71 but in (2), the original acquisition scenario, you do:72 Purchasing things that others had hoped to buy narrows the range of things that those others might do, but does not place any new obligations on them. Others were already under an obligation to refrain from interfering with the stamp that you [purchased]; they face no new obligations as a result of your acquisition of it. Only their hopes have been dashed. They are in the same position as against you that they were in as against the previous owner: they can still try to make you an offer to convince you to sell it to them, even if you do not actively invite offers. The original acquisition of property remains distinctive because it does not simply change the world: it places others under new obligations.73 **Concerning the purchase scenario, Kant** should **agree with Ripstein that the fact that others’ “hopes have been dashed**”—that their wishes have been thwarted—**is irrelevant**. **They had not yet subjected the stamp to their action, so in obtaining it for yourself you commit no wrong against them.** **For Kant, that should be the end of the matter**. However, Ripstein supplements this explanation in non-Kantian terms. He says that, following your purchase of the stamp, there is no “new obligation” because others are “in the same position as against you ... that they were in as against the previous owner”.74 In other words, the stamps’ changing hands creates no ‘new obligation’ because, following the sale, the scope of others’ potential action with respect to the object is unchanged.75 But others’ potential actions are at most their mere wishes. Thus, just after Ripstein has purportedly excluded the relevance of wishes, his supplemental explanation invokes them again. On this approach, whether your action creates a ‘new obligation’ effectively turns on whether others’ abilities to satisfy their wishes with respect to the object remain the same after your action as beforehand. **That is not a valid consideration in Kant’s system.**

#### 3] If they win unilateralism is problematic, vote neg on permissibility – that would undermine all notions of justice, Sage 2:

Sage, Nicholas W., [Assistant Professor of Law, London School of Economics and Political Science Law School, teach and write about private law, especially contract, property, and tort, particularly interested in theoretical questions about how to understand and justify these areas of law, as well as related issues in moral and political philosophy.] “Original Acquisition and Unilateralism: Kant, Hegel, and Corrective Justice” (January 1, 2012). Canadian Journal of Law and Jurisprudence, Vol. 25, No. 1, pp. 119-36, January 2012, Available at SSRN: <https://ssrn.com/abstract=2033518> // LHP AV

This brings us to a further set of difficulties with the view that original acquisition is problematic. **If ‘unilateralism’ is a problem** for the original acquisition of property, **it is also a problem throughout private law**. **First** of all, note that **if the objection** to an individual’s act of original acquisition **is that it restricts others’ potential action**, then **there is no reason to limit the objection to** those acts of the individual that implicate **legal** entitlements (i.e., ‘**obligations’**).76 If other **persons’** legitimate grievance about original acquisition is its impact on their potential action, they **should have the same right to complain about anything that affects their potential action**, whether this happens through the creation of a legal entitlement or otherwise. For example, from others’ perspective, **your damaging or destroying an object is at least as bad as your acquisition of it**.77 Even within the context of legal entitlements over objects, original acquisition cannot be singled out. Following the original acquisition of an object, concerns will continue to arise regarding the supposedly ‘unilateral’ nature of entitlements to that object. (It is not as if original acquisition takes the object ‘out of circulation,’ so to speak, so that if that act can be legitimized, all subsequent acts by the owner, and subsequent owners, will be legitimate.) For instance, **your continued possession** of an object **is just as problematic as your original acquisition. Every moment you continue to control an object—rather than, say, abandoning it or ceding to adverse possession—you maintain your property right and thereby exclude others**. Your **alienation** of the object **is also problematic**: **why can you decide to pass the object on to a particular third party, when that will entail that other persons cannot access it**? Moreover, considered within the context of the creation of legal entitlements generally, the original acquisition of property is in no way unique**. The creation of any legal entitlement is ‘unilateral’ in that it changes the scope of others’ ‘freedom,’ creates ‘constraints,’ ‘duties’ or ‘obligations,’ and alters their ‘normative situation’**—in the non-Kantian sense of those words. **Take** the right to **bodily integrity. When your body grows, it occupies new space that I can no longer access. I face new constraints with respect to that space**. The same happens when you immigrate to my country, or when you are born and move out into space as a separate personality for the first time.78 The supposed **unilateralism** **problem** **also arises for contract** rights. When you contract, you have the other party’s consent, so your change to that person’s normative situation is arguably unproblematic.79 But your contract also alters the rights of non- consenting third parties who now have a duty not to induce breach.80 Likewise, the creation of a fiduciary relationship imposes a duty on third parties not to assist breach.81 Previously, we noted that it was odd, given Kant’s rigorous systematicity, that the problem of unilateralism arises only for the initial creation of property rights.**82 As it turns out, if unilateralism is a problem for original acquisition, it is a problem that is common to all private law rights**.

### LBL

### AT Need State Enforcement

#### Top level – every aff argument about needing state enforcement is nonunique at best – the neg is not arguing that property enforcement is possible; instead, it defends appropriation or acquisition – that is a claim an individual can make once they mix their labor with it. This is inevitable because individuals must lay claim to resources inevitably pre-state AND then a state comes along to enforce those rights. Worst case, it would still not be unjust because if the state is essential to enforcement, then appropriation cannot be unjust because the state would be necessary to generate obligations or conceptions of justice in the first place, but there isn’t a state at all!

#### 1] inevitable –

#### A] we have to act in the state of nature that exists, which requires appropriating objects, like food, shelter, clothes, etc.

#### B] people have to assert self-ownership – ie ownership of their own body – even absent a state in order to act at all, including the action required to form a state – arbitrary to say we can’t assert control of external objects if we mix our labor and possess control

#### C] If they win this arg, vote neg on permissibility

#### 2] Not intrinsic to the resolution –

#### A] we could form new states in space that arbitrate property claims

#### B] we could extend sovereignty into space from existing states

### AT International Law

#### 1] State had no authority to make that contract on behalf of its population – Submitting to international limits on power is a contradiction in will – it weakens the republic and has no binding force.

Waltz ’62 (Waltz, Kenneth N. "Kant, Liberalism, and War." The American Political Science Review 56, no. 2 (1962): 331-40. doi:10.2307/1952369.)

So long at least as the state "runs a danger of being suddenly swallowed up by other States," it must be powerful externally as well as internally. In international relations the difficulties multiply. The republican form is preferable, partly because republics are more peacefully inclined; but despotisms are stronger-and no one would expect or wish to bring the state into jeopardy by decreasing its strength.15 Standing armies are dangerous, arms races themselves being a cause of war, but in the absence of an outside agency affording protection, each state must look to the effectiveness of its army.'6 A freely flowing commerce is a means of promoting peace, but a state must control imports, in the interests of its subjects "and not for the advantage of strangers and the encouragement of the industry of others, because the State without the prosperity of the people would not possess sufficient power to resist external enemies or to maintain itself as a common- wealth."'7 Not only standing armies but also, indeed more so, the disparity of economic capacities may represent danger, occasion fear, and give rise to war. Kant's concern with the strength and thus the safety of the state is part of his perception of the necessities of power politics. Among states in the world, as among individuals in the state of nature, there is constantly either violence or the threat of violence. States, like "lawless savages," are with each other "naturally in a nonjuridical condition.'8 There is no law above them; there is no judge among them; there is no legal process by which states can pursue their rights. They can do so only by war, and, as Kant points out, neither war nor the treaty of peace following it, can settle the question of right. A treaty of peace can end only a particular war; a pretext for new hostilities can always be found. "Nor can such a pretext under these circumstances be regarded as un- just; for in this state of society every nation is the judge of its own cause."'19 More surely than those who extract and emphasize merely Kant's republican aspirations and peaceful hopes, Khrushchev speaks as though he had read Kant correctly. "War," in Khrushchev's peculiar yet apt phrase, "is not fatalistically inevitable." Kant does set forth the "shoulds" and "oughts" of state behavior.2' He does not expect them to be followed in a state of nature, for, as he says, "philosophically or diplomatically composed codes have not, nor could have, the slightest legal force, since the States as such stand under no common legal constraint.... 22 His intention clearly is that the "oughts" be taken as the basis for the juridical order that must one day be established among states, just as the rights of the individual, though not viable in a state of nature, provided the basis for the civil state.

#### 2] contingent and temporal – for example certain states didn’t abide and new states could – resolution is categorical

#### 3] Making contracts that are unethical means just that – we ought to be condemned for making the contract, not just follow it and be unethical. That’s why you don’t get let free for murder just because you signed a contract as an assassin. These i-law contracts are unethical because of the NC offense.

#### 4] Double bind – either the property is unowned which means private entities have full authority to lay claim or the right to exclude is what is being claimed here by all states which means they are laying claim to property, which

#### A] is in contradiction of the international law itself nullifying it,

#### B] is wrong because a state claiming property is illegitimate because its constitutive role is to independently arbitrate rights claims. Teson 14:

[Tesón, Fernando R. (Fernando Tesón is the Tobias Simon Eminent Scholar at Florida State University College of Law) and van der Vossen, Bas (Bas ver der Vossen is Professor of Philosophy at Chapman University). “The Kantian Case for Classical Liberalism.” 2014, pg. 15, <http://www.peter-boettke.com/app/download/6938268704/a+kantian+defense+of+classical+liberalism+gmu.pdf>. 6/29/18] //MB PZ Recut LHP AV

The second reason why **the state cannot own property** is more important: **if it did, any dispute between the state itself and private citizens concerning that property cannot be submitted to an impartial judge**. 21 **But a condition in which disputes cannot be submitted to an impartial judge is** the state of nature, **not a rightful condition. State ownership, therefore, threatens to undo the rightful condition**. **Kant himself thought this** second point crucial. He writes: The supreme commander can therefore have no domains, that is, no estates for his private use (for maintaining his court). For if he did, it would be then be up to his own discretion how far they should be extended, so that the state would run the risk of seeing all ownership of land in the hands of the government and all subjects as serfs (glebae adscripti), possessors only of what is the property of another, and therefore deprived of all freedom (servi). (6:324) **Once the state gains control of the resources required for redistribution it becomes a de facto owner of property itself. As a result, it loses its impartiality, thereby rendering the subjects of the state** (who should be citizens) **mere serfs**.2

### AT Aliens Exist

#### 1] Even if aliens exist somewhere, that means we couldn’t appropriate their property because that would be theft. Obviously there exists space they don’t control – that’s why we haven’t detected them. Therefore, this doesn’t take out the NC offense.

#### 2] There is no clear evidence that aliens do exist.

#### 3] Probabilistic claims about them existing don’t link to the NC framework – just because another agent could possibly lay claim to an object in the future does not prohibit me taking it first

4] neg ground – they are private entities so their approrpiation was just lol

### AT Property Bad

#### This requires a system of property – mere empirical possession is insufficient and contrary to freedom, Hogdson 10:

Louis Philippe Hogdson, 2010, “Kant on Property Rights and the State” <http://www.yorku.ca/lhodgson/kant-on-property-rights-and.pdf> //LHP AV

What does it mean to say that property rights are essential for freedom? For our purposes, the crucial feature of **property is the possibility of rightfully excluding others from the use of a certain object.**8 If I own a certain apple, then that means that you wrong me if you use the apple without my permission, and hence that you can forcibly be prevented from doing so. Importantly, this is the case **regardless of whether I am physically holding the apple or not.**9 The point is worth stressing. **I can exclude you from using an apple simply by holding it. I then exclude you physically**, since we cannot both hold the apple at the same time; **I also exclude you normatively, since using force** to wrestle the apple from me **would violate my right to freedom** (assuming that you have no property right in the apple).10 **Still**, **this** form of exclusion falls short of what is required for genuine property, because it **makes my right** to the apple **entirely derivative from my right to bodily integrity**, and hence leaves me with no complaint if I accidentally drop the apple and you pick it up. **Genuine property rights do not depend on physical possession** in that way: if an apple is genuinely mine and I drop it, then you wrong me if you pick it up and walk away with it; that I was not physically holding the apple at the time is irrelevant.11 **The question we need to ask, then, is why freedom demands that it be possible for me to exclude others from using certain objects even though I am not in physical possession** of them. How can freedom place such demands with respect to objects that are external to me – objects that are neither physically connected to my body, nor essentially connected to me in the way my body is**? Kant’s answer has two parts**. **First**, he tells us that the possibility of **property is the** object of the **postulate of private right**: It is possible for me to have any external object of my choice as mine, that is, **a maxim by which**, if it were to become a law, **an object** of choice **would** in itself (objectively) have to **belong to no one** (res nullius) **is contrary to right**.12 Second, he explains the necessity of this postulate as follows: **an object of my choice is something that I have the physical power to** **use**. **If it were** nevertheless absolutely **not within my rightful power to** make **use** of **it**, that is, if the use of it could not coexist with the freedom of everyone in accordance with a universal law (**would be wrong**), **then freedom would be depriving itself of the use of its choice with regard to an object of choice, by putting usable objects beyond any possibility of being used**; in other words, **it would annihilate them in a practical respect** and make them into a res nullius, even though in the use of things choice was formally consistent with everyone’s outer freedom in accordance with universal laws.13 The problem is that this seems to get things precisely backwards. Kant stresses that external freedom demands that the use of some objects be rightful. That seems obvious enough: **there would be no external freedom to speak of if the external world were entirely off limits**. But that hardly establishes a link between freedom and property in the stronger sense that concerns us here. Kant explains why it is not possible for every object to be off limits to all; the question we need to ask is how it is possible for any object that I am not physically holding to be off limits to others. The difficulty I am pointing to can be brought out by considering an alternative to a system of property: a system of mere empirical possession in which everything in the world can rightfully be used, so long as it is not under someone’s physical control. In this system, the ground on which I stand and the objects I carry around with me are off limits to you, but the rest of the world – including objects I put down or dropped a moment ago – is up for grabs. Such a system does not put ‘usable objects beyond any possibility of being used’ in any straightforward sense. Yet, if Kant believes that freedom demands the possibility of full-fledged property rights, he must think that a system of empirical possession unjustifiably restricts freedom. How is that the case? **The problem, in a nutshell, is that a system of empirical possession only allows me to pursue projects taking place within the space I occupy at a given moment and involving objects that I can hold for the entire duration of the project**. Any other project – and this means any remotely complex project – will involve objects whose use I cannot rightfully determine through my choices, and for whose use I am therefore inevitably dependent on the choices of others. Put differently, a system of mere empirical possession makes my (eminently restricted) ability to occupy space and to hold objects the measure of my ability to make objects into my means, and thus to set and pursue ends for myself. This unjustifiably restricts my external freedom, because there is no reason why my having only two hands (to name only one obvious physical limitation) should determine what means I can rightfully secure for myself. To illustrate the point, **suppose that I want to build** myself **a house**. Suppose that one of the means **I need** to pursue this project is **a hammer**, and that I happen to find just the hammer I need. The problem that a system of **mere empirical possession** poses is not that it makes the hammer off limits to me, as Kant seems to suggest in the passage I quoted above, but, rather, that it **makes** **my right to stop you from taking the hammer contingent on my ability to hold on to it**. As soon as I put it down for a second, you are perfectly entitled to pick it up and walk away with it. Worse, once you have grabbed the hammer, it is yours in the sense appropriate to the system, and I cannot rightfully take it back so long as you are holding it. The same holds for the land on which I plan to build my house: my right to exclude others from it only extends to the ground on which I am standing at a given time. You are perfectly entitled to move around on the rest of the land I intend to use, regardless of whether I have fenced it off or started building on it. Indeed, if you decide to stand on part of the land that I claim, you make it off limits to me, and thereby make it impossible for me to realize my project without wronging you. **That I would be wronging you is important here: it shows how your interference differs from other unforeseen circumstances** I may face in pursuing my project. An earthquake could destroy most of what I have built, and thereby hamper my pursuit far more than you would by grabbing the hammer. But the earthquake does not raise normative problems for how I may pursue my end. If it destroys my house, then I can just rebuild it; indeed, if I have the means, I am justified in stopping the earthquake from happening altogether. In this way, the earthquake only presents me with an instrumental problem: it requires me to revise my calculations for how I am to achieve my goal. Interference of that kind does not restrict my ability to set and pursue ends; it is simply part of what exercising that ability involves for a finite being. Your interference raises a different problem. As **a rational agent, you are not just some circumstance that I have to work around: your right to freedom means that you can make things off limits** to me simply by holding on to them. If you choose to stand on the ground where I intended to build, you thereby put a stop to my project of building a house there; if you choose to pick up an object I left lying around, you make it impossible for me to use it for my project. **All a system of mere empirical possession allows me to do to avoid such occurrences is to plead with you** not to interfere with my project. In other words, on such a system, it is always partly up to you whether I can rightfully make use of an object that I am not currently holding, or of a piece of land on which I am not currently standing. The only means I can have at my disposal to set and pursue my ends with are objects to which I am physically connected. As I said above, **this** makes my limited ability to hold objects the measure of what means I can have at my disposal, **which arbitrarily restricts my ability to set and pursue ends** for myself.14 Now on Kant’s view, as I said at the outset, such a restriction can be justified, but only if it is required by freedom. In our case, this means that **the restriction imposed by the system of mere empirical possession is acceptable only if my having a full-fledged property right in the hammer** – that is, my being allowed to stop you from using it even when I am not holding it – **would somehow be incompatible with your freedom**. We can easily show that this is not the case. One way to make the point is to stress that **your freedom depends on your ability to set and pursue ends** for yourself, **which does not depend on** your access to **any particular object**; **therefore, I do not restrict your freedom** by making the hammer off limits to you.15 There is also a more direct way to make the point in the present context. One can simply note that, **from the point of view of you**r access to the hammer, **there is no relevant difference between** a system of **full**-fledged **property** rights **and** a system of mere **empirical possession**, since both systems allow me to exclude you entirely from using the hammer. Of course, on the latter system, I can do so only by physically holding on to the hammer for the rest of my life, whereas the former system allows me to set the hammer down while still excluding you. But **from your standpoint the two scenarios amount to the same thing, since what matters is simply that I exclude you** from using the hammer, not how I do it. A full-fledged system of property thus brings about no further restriction on your freedom. **Consequently, any restriction of freedom associated with a system of mere empirical possession cannot be grounded in the need to protect freedom itself and hence must be unjustified on Kant’s view**. Let me close this section by stressing the general character of the conclusion we have reached. We have seen that **freedom requires property**. This is not to say that freedom requires the specific form of private property found in modern capitalist societies. Kant’s argument only requires some system of rights allowing one to exclude others from using a certain object for a certain amount of time, regardless of whether one is holding it or not. That could be achieved by a system under which the means of production are communally owned, so long as it appropriately determines who has the right to use a given object at a given time.16 The considerations presented here thus do not amount to an endorsement of capitalism, or of the sort of absolute private property rights advocated by libertarians.17 They support a broader thesis: that, **if rational agents are to live together without undermining one another’s freedom, then they must have a system that allows them to control certain objects through their choices without having to hold on to them physically**. Nothing more is required for the rest of our argument. objects through their choices without having to hold on to them physically. Nothing more is required for the rest of our argument.

1. <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-1)
2. *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-2)