#### I affirm. Prefer an a priori basis for ethics founded on practical reason.

#### First, only necessary justification can form knowledge – anything else faces the problem of perception.

Lyons, Jack, "Epistemological Problems of Perception", The Stanford Encyclopedia of Philosophy (Spring 2017 Edition), Edward N. Zalta (ed.), URL = <https://plato.stanford.edu/archives/spr2017/entries/perception-episprob/>. JS

The skeptical scenarios (dreaming, brains in vats, differently situated sense organs, etc.) call our attention to a crucial distinction between appearance and reality: how things perceptually appear is not necessarily how things really are; things could appear the same though really be different, and they could appear to be some other, incompatible way and really be the same. Further reflection on the scenarios suggests that although I might know very little—perhaps nothing—about how things are in the external world, I can nevertheless know quite a lot about how it appears to me that things are. This engenders a shift from thinking about perceptual appearances as features of objects (e.g., “the appearance of the house was quite shabby”), to thinking of them as mental states—experiences—of the perceiving subject (e.g., “she had a visual appearance/experience as of a house”). Finally, it seems that if we are to know anything about the external world at all, that knowledge must be indirect, for what is directly before me is not the world itself, but only these perceptual appearances. I know and have justified beliefs about the external world only insofar as I know and have justified beliefs about appearances.

All this suggests a “veil of perception” between us and external objects: we do not have direct unvarnished access to the world, but instead have an access that is mediated by sensory appearances, the character of which might well depend on all kinds of factors (e.g., condition of sense organs, direct brain stimulation, etc.) besides those features of the external world that our perceptual judgments aim to capture. Paraphrasing David Hume (1739: I.2.vi, I.4.ii; 1748: sec 12.1; see also Locke 1690, Berkeley 1710, Russell 1912): nothing is ever directly present to the mind in perception except perceptual appearances.

But if our only access to the external world is mediated by potentially misleading perceptual appearances, we ought to have some assurance that the appearances we are relying on are not of the misleading variety. And here is where all the trouble arises, for it seems that there is no way we could have any evidence for the reliability of perception (i.e., perceptual appearances) without relying on other perceptions. We have empirical reason, for example, to think that science is not yet capable of stimulating brains in a very precise way, but appealing to this to rebut the possibility of brain-in-a-vat scenarios seems blatantly question begging. At the heart of the problem of the external world is a skeptical argument I will refer to as “PEW” and which I reconstruct in what follows. I have named the premises, as we will want to discuss them individually.

Nothing is ever directly present to the mind in perception except perceptual appearances. (Indirectness Principle) Thus:

Without a good reason for thinking perceptual appearances are veridical, we are not justified in our perceptual beliefs. (Metaevidential Principle)

We have no good reason for thinking perceptual appearances are veridical. (Reasons Claim)

Therefore, we are not justified in our perceptual beliefs.

A few comments on the logic of the argument are in order. [(2)](https://plato.stanford.edu/entries/perception-episprob/#Pew2) and [(3)](https://plato.stanford.edu/entries/perception-episprob/#Pew3) make up the meat of the argument; together they entail [(4)](https://plato.stanford.edu/entries/perception-episprob/#Pew4). This means that [(1)](https://plato.stanford.edu/entries/perception-episprob/#Pew1), which is motivated by the skeptical scenarios mentioned above and the associated veil of perception view, would be unnecessary for deriving the skeptical conclusion, as are those skeptical scenarios, were it not for the fact that [(1)](https://plato.stanford.edu/entries/perception-episprob/#Pew1) is commonly taken to render perception inferential in such a way as to lend support to [(2)](https://plato.stanford.edu/entries/perception-episprob/#Pew2). If [(1)](https://plato.stanford.edu/entries/perception-episprob/#Pew1) is true, then, plausibly, [(2)](https://plato.stanford.edu/entries/perception-episprob/#Pew2) is: if our access is mediated by potentially nonveridical appearances, then we should only trust the appearances we have reason to think veridical. And no other reason to endorse [(2)](https://plato.stanford.edu/entries/perception-episprob/#Pew2) is immediately apparent (although an additional motivation for [(2)](https://plato.stanford.edu/entries/perception-episprob/#Pew2) will be discussed below, in [section 3.1](https://plato.stanford.edu/entries/perception-episprob/#ClasFoun)). [(1)](https://plato.stanford.edu/entries/perception-episprob/#Pew1) is therefore an important component of the traditional problem. The plausibility of [(3)](https://plato.stanford.edu/entries/perception-episprob/#Pew3) derives from the idea that our only means of verifying the veridicality of appearances would itself depend on perception, in the question-begging manner sketched above.

Notice that PEW addresses justification rather than knowledge. On the reasonable assumption that knowledge requires justification, [(4)](https://plato.stanford.edu/entries/perception-episprob/#Pew4) implies that our perceptual beliefs do not count as knowledge. One who denies this assumption could easily rewrite PEW in terms of knowledge rather than justification with little or no reduction in plausibility. I have reconstructed PEW in a way that is supposed to be intuitively compelling. Were we to get specific about the implicit quantification involved (we have no good reason for thinking that any perceptual appearances are veridical? that perceptual appearances are in general veridical? that this perceptual appearance is veridical?), the argument would get a lot more complicated. The simpler version presented above is sufficient for our current purposes.

#### Second, regress – only practical reason resolves it.

Velleman (David, “Self To Self”, Cambridge University Press, 2006, pg 18-19)

As we have seen, requirements that depend for their force on some external source of authority turn out to be escapable because the authority behind them can be questioned. We can ask, “Why should I act on this desire?” or “Why should I obey the U.S. Government?” or even “Why should I obey God?” And as we observed in the **case** of the desire to punch someone in the nose, this question demands a reason for acting. The authority we are questioning would be vindicated, in each case, by the production of a sufficient reason. What this observation suggests is that any purported source of practical authority depends on reasons for obeying it—and hence on the authority of reasons. Suppose, then, that we attempted to question the authority of reasons themselves, as we earlier questioned other authorities. Where we previously asked “Why should I act on my desire?” let us now ask “Why should I act for reasons?” Shouldn’t this question open up a route of escape from all requirements? As soon as we ask why we should act for reasons, however, we can hear something odd in our question. To ask “Why should I?” is to demand a reason; and so to ask “Why should I act for reasons?” is to demand a reason for acting for reasons. This demand implicitly concedes the very authority that it purports to question—namely, the authority of reasons. Why would we demand a reason if we didn’t envision acting for it? If we really didn’t feel required to act for reasons, then a reason for doing so certainly wouldn’t help. So there is something self-defeating about asking for a reason to act for reasons.

#### Third, only a priori ethics and reason can resolve injustices and explain the previous failures of reason – anything else distorts moral judgement.

Hill, Thomas and Boxill, Bernard, 2001, “Kant and Race.” <http://www.faculty.umb.edu/lawrence_blum/courses/465_11/readings/Race_and_Racism.pdf> JS

It may seem that this is mistaken, because there are cases where knowing what is in conformity with duty requires more sophisticated intellectual argumentation than is available to ‘common human reason’. This may or may not be true. In any case, the objection now under consideration maintains that Kant’s remark is mistaken for a different and perhaps more fundamental reason. It can allow that, suitably qualiﬁed, Kant’s remark is right that ‘common human reason’ can always know what is in conformity with duty. The qualiﬁcation is that to be able to know what is in conformity with duty common human reason must always have the morally relevant facts vividly before it. But, so the objection goes, emotions, passions, and attitudes often make it extremely difﬁcult if not impossible for common human rea-son to have the morally relevant facts vividly before it. As Aristotle reminds us, the emotions, passions, and attitudes focus our attention on certain facts and distract our attention from other facts. The conﬁdent person tends to overlook facts that a fearful person notices; and an angry person tends to overlook facts that a happy person notices. In other words, emotions, passions, and attitudes tend to make certain facts vivid, and to make others obscure. Indeed they often make morally irrelevant facts vivid, and morally relevant facts obscure. But if common human reason must have the morally relevant facts vividly before it to know what is in conformity with duty, the emotions, passions, and attitudes can make it very difﬁcult for common human reason to know what is in conformity with duty. We can see this in a case that Kant himself constructs: according to him, a person cannot will that his maxim not to assist others in need be made a law of nature because many cases could occur in which he would need the assistance of others. But this argument depends on the possibility of such cases being sufficiently vivid to the person in question, and we know that they will not be if he is very proud and self-confident. Generally, if the maxims we can will to be universal laws depend on the factual beliefs we have vividly before us, and the maxims we can will to be universal laws determine what we think is right, our emotions, passions, and attitudes can determine what we think is right. The problem is that if our emotions and passions can make morally irrelevant facts vivid, and morally relevant facts obscure, they can mislead us into thinking that what is right is wrong, and that what is wrong is right. If this is correct, conﬁdent, complacent, well-positioned white people will not only ﬁnd it difficult to do what they know to be right; they will ﬁnd it still more difﬁcult to know what is right, even when they sincerely claim that they are trying to do so. Indeed, such sincere people are likely to be particularly dangerous for, feeling their own sincerity, they will be unlikely to believe that they can be mistaken. We do not think that Kant was altogether unaware of this problem, for he frequently warned of the dangers of self-deception. His mistake seems to have been to suppose we can always overcome our self-deceptions, and bring the morally relevant facts vividly before us, by a sufficiently strenuous rational self-examination. Still, the solution to this difficulty is not to abandon reliance on reason. On the contrary, we can only solve this difficulty if we rely even more on reason. It was reason that led us to appreciate that the emotions, passions, and attitudes can distort the results of reason’s efforts to determine what is right; and it was reason that led us to see that rational self-examination alone may not always enable us to bring all the morally relevant facts vividly before us. Finally, it is reason that will enable us to solve the problem, which in general is to ﬁnd some way to bring the morally relevant facts before common human reason. The ﬁrst step, of course, is to listen to what others are saying. Reason will only lead us to the truth if we listen to what others are saying. But we are not repeating this fact made familiar by every defender of freedom of expression. Listening to others with different viewpoints, different emotions and attitudes, and consequently different blind spots is a beginning, but it is not enough. The conﬁdent and complacent do not listen sympathetically to those they feel to be their inferiors, even when they invite these inferiors to speak. Somehow we must design institutions that will help us to listen to others sympathetically. Morally relevant facts that are obscure to us may be vivid to others, and if we listen to them sympathetically these facts may become vivid to us too. Rousseau believed that institutions that reduced inequalities and dependencies would help us to listen to others sympathetically. We believe he was right, but that is not the point we want to press now. Our point is that only by rational reﬂection together with adequate understanding of the social and psychological roots of racism can we design the institutions that will help us to listen to others sympathetically and consequently to know what is in conformity with duty.

#### Fourth, experience is the faculty we use to describe the world, but that can’t correlate with normative truth because of the gap between what is and what ought to be the case.

#### Practical reason means we must be able to universally will maxims—our judgements are authoritative and can’t only apply to ourselves anymore than 2+2=4 can be true only for me. Non contradiction is a side constraint on ethics since no principle can be simultaneously true and false as the idea of truth excludes the possibility of falsity. Thus, the standard is consistency with the categorical imperative. This requires a right to autonomy – universalizing coercion means others could violate your right to coerce, which prevents you from acting on your maxim.

#### Impact calc –

#### First, use epistemic confidence –

#### 1] Modesty collapses because we need to be confident in modesty before using it

#### 2] It’s impossible to verify the exact probability of moral theories, so modesty only functions properly in extremely high impacts but fails as a general moral rule.

#### Second, prefer ideal theory – it’s compatible with nonideal theory but is also a prerequisite to being able to guide action.

Shelby 13 [Tommie Shelby, “Racial Realities and Corrective Justice: A Reply to Charles Mills,” *Critical Philosophy of Race*, Vol. 1, No. 2 (2013), pp. 145-162] AG

On the Rawlsian view, injustices are conceptualized as deviations from the ideal principles of justice, in much the same way that fallacious reasoning is conceived as a deviation from the rules of logical inference. An injustice is a failure on the part of individuals or social arrangements to satisfy what the ideal principles of justice demand. Thus, charges of injustice presuppose ideals of justice, which particular individuals and institutions can and often do depart from. Such deviations can be small or great, minor or serious, and depending on the size and nature of the gap between ideals and practice (and also on whether these deviations are avoidable or blameworthy), different remedies will be required. Nonideal theory specifies and justifies the principles that should guide our responses to such deviations from ideal justice.17 Within nonideal theory (and here I focus on domestic rather than global justice), we should distinguish at least four sets of principles: 1. Principles of reform and revolution: the principles that should guide efforts to bring an unjust institutional arrangement more in line with justice such that the society’s members have a more just (though not necessarily perfectly just) society within which to live. 2. Principles of rectification: the principles that should guide the steps a society takes to remedy or make amends for the injuries and losses the oppressed have suffered as a result of past injustice. 3. Penal principles: the principles that should guide the policies a society relies on when responding to individual noncompliance with what justice requires (e.g., principles for punishment, detention, and deportation). 4. Political ethics: the duties and permissions individuals have under unjust social conditions, that is, the principles that should guide their response to injustice. Rawls’s theory provides some direction for (1) and (4), and some limited guidance for (3). But he provides almost no help with (2). And it is (2)—principles of rectification—that is Mills’s chief concern and the main concern of many black radicals. Most of my work has focused on principles of reform and revolution and political ethics (particularly the political ethics of the oppressed), and on the relationship between the two. Yet I certainly see value in work defending principles of rectification Indeed, we can view the principles of reform and revolution and the principles of rectification as jointly constituting a theory of corrective justice. Principles of type (1) have to do with altering the basic structure of a society so that it better approximates a well-ordered society. Type (2) principles address the need to make amends to those burdened and harmed by unjust basic structures. Type (1) principles are forward looking, oriented toward establishing a just society. Type (2) principles are backward looking, oriented toward settling unpaid moral debts. To see that (1) and (2) are distinct it is enough to observe that one could fully pay reparations to the victims of past racial injustice and yet their society remain unjust, including racially unjust. Rawls is concerned with corrective justice, but he thinks of it as encompassing more than laying down principles for making amends to the victims of past injustice. He conceives of it as also including the philosophical arm of reform or revolutionary efforts to establish a society regulated by a mutual commitment to justice, a well-ordered society. When the principles of justice function as a goal of reform or revolution, what the reformers and revolutionaries are ultimately aiming at is this: a society in which the principles are fully realized in its institutions and citizens support and comply with institutional rules because these are in accord with their shared conception of justice. It is in this way that ideal theory serves as a guide for nonideal theory. Mills might accept this more expansive conception of corrective justice and even concede that Rawls’s ideal theory can aid us in its development. But I suspect he would still have doubts about ideal theory’s helpfulness in developing the rectificatory dimension of nonideal theory. After all, Rawls’s two principles are supposed to provide a basis for citizens to judge the validity of their claims of justice on their social system. One kind of claim citizens may make (on their own behalf or on behalf of others) is that they or others are due reparations for harms they have incurred as a result of serious injustice. Does Rawls provide any guidance for judging the validity of such claims? Mills is skeptical. He asserts, “Surely forty years is long enough—especially in a society to whose creation racism has been central—for there to be a significant body of work by now showing how one derives principles of rectificatory racial justice (a “pressing and urgent matter” [Rawls, Theory, 9] if ever there was one) from the idealtheory principles!” (23, note 6) In reply I would note that serving as a guide for nonideal theory is not the same as serving as a set of axioms from which theorems of rectification can be directly deduced. I doubt that ideal theory could play this latter justificatory role. And it should not surprise us if auxiliary precepts of justice were required for a fully adequate theory of compensatory justice. (The same would presumably be true of penal principles. After all, one cannot strictly derive a principle of proportionality in punishment from the two principles of justice either.)18 What ideal theory can provide, however, are evaluative standards for judging when such rectification is prima facie called for—namely, when culpable violations of the principles of justice have caused serious and identifiable harm. The ideal principles (particularly the equal liberty principle) help to explain what was wrong with, say, Jim Crow and Apartheid and why the damage they did to their victims warrants various corrective measures, perhaps including reparations. The trouble with Mills’s view is that he regards nonideal theory as independent of ideal theory, indeed as an alternative to it. But nonideal theory—the study of the principles that should guide our responses to injustice—cannot succeed without knowing what the standards of justice are (and perhaps also what justifies these standards). It is not clear how we are to develop a philosophically adequate and complete theory of how to respond to social injustice without first knowing what makes a social scheme unjust. When dealing with gross injustices, such as slavery, we may of course be able to judge correctly that a social arrangement is unjust simply by observing it or having it described to us, relying exclusively on our pre-theoretic moral convictions. We don’t need a theory for that. But with less manifest injustices, or when our political values seem to conflict, or when we’re uncertain about what justice requires, or when there is great but honest disagreement about whether a practice is unjust, we won’t know which aspects of a society should be altered in the absence of a more systematic conception of justice. Without a set of principles that enables us to identify the injustice-making features of a social system, we could not be confident in the direction social change should take, at least not if our aim is to realize a fully just society.

#### Prefer our standard –

#### First, we must treat others as ends in themselves – humanity, or the creation of practical identities, is an intrinsic value that is the foundation of ethics.

Korsgaard, Christine M. (1996). The Sources of Normativity. Cambridge University Press. JS

This is just a fancy new model of an argument that first appeared in a much simpler form, Kant's argument for his Formula of Humanity.3 " The form of relativism with which Kant began was the most elementary one we encounter - the relativism of value to human desires and interests. He started from the fact that when we make a choice we must regard its object as good. His point is the one I have been making - that being human we must endorse our impulses before we can act on them. He asked what it is that makes these objects good, and, rejecting one form of realism, he decided that the goodness was not in the objects themselves. Were it not for our desires and inclinations — and for the various physiological, psychological, and social conditions which gave rise to those desires and inclinations - we would not find their objects good. Kant saw that we take things to be important because they are important to us — and he concluded that we must therefore take ourselves to be important. In this way, the value of humanity itself is implicit in every human choice. If complete normative scepticism is to be avoided - if there is such a thing as a reason for action - then humanity, as the source of all reasons and values, must be valued for its own sake. The point I want to make now is the same. In this lecture I have offered an account of the source of normativity. I have argued that human consciousness has a reflective structure that sets us normative problems. It is because of this that we require reasons for action, a conception of the right and the good. To act from such a conception is in turn to have a practical conception of your identity, a conception under which you value yourself and find your life to be worth living and your actions to be worth undertaking. That conception is normative for you and in certain cases it can obligate you, for if you do not allow yourself to be governed by any conception of your identity then you will have no reason to act and to live. So a human being is an animal who needs a practical conception of her own identity, a conception of who she is which is normative for her. But you are a human being and so if you believe my argument you can now see that that hyour identity. You are an animal of the sort I have just described. And that is not merely a contingent conception of your identity, which you have constructed or chosen for yourself, or could conceivably reject. It is simply the truth. It is because we are such animals that our practical identities are normative for us, and, once you see this, you must take this more fundamental identity, being such an animal, to be normative as well. You must value your own humanity if you are to value anything at all. Why? Because now that you see that your need to have a normative conception of yourself comes from your human identity, you can query the importance of that identity. Your humanity requires you to conform to some of your practical identities, and you can question this requirement as you do any other. Does it really matter whether we act as our humanity requires, whether we find some ways of identifying ourselves and stand by them? But in this case you have no option but to say yes. Since you are human you must take something to be normative, that is, some conception of practical identity must be normative for you. If you had no normative conception of your identity, you could have no reasons for action, and because your consciousness is reflective, you could then not act at all. Since you cannot act without reasons and your humanity is the source of your reasons, you must value your own humanity if you are to act at all. It follows from this argument that human beings are valuable. Enlightenment morality is true

#### Second, Pain is only conditionally rather than intrinsically bad.

Korsgaard, Christine M. The Sources of Normativity. Cambridge Univ. Press, 1996. Lindale PP

from its suffering. This is why pain is nearly always bad - because the creatures who suffer from it object to it. But it is important to see that this does not show that pain is an intrinsically bad sensation. For one thing, we don't always object to pain, and this on two levels. First, we don't always object to the sensations that we sometimes call 'pain'. An acute sensation, say, of effort or of appetite will be welcome in one context, unwelcome in another. The sensation of effort when we expect to be successful, or of appetite when we expect to be satisfied, gives relish to an activity; pretty much the same sensations, with no prospect of overcoming in view, may cause a certain panic, and then they will be pains. And sometimes we welcome, not just the sensations to which in other contexts we object, but even pain itself. No one, I suppose, would choose not to experience grief at the death of a loved one at all, although we are righty afraid of finding it unbearable. We may object to a world in which our loved ones are taken away, but if they are taken away, we do not want to fail to experience the fact, to register it as an evil.

#### Third, performativity – any attempt to justify a violation of rights commits performative contradiction.

Marian Eabrasu, Research fellow at the GRANEM (Angers University), A Reply to the Current Critiques Formulated Against Hoppe’s Argumentation Ethics, 03/13/2009, <https://mises.org/library/reply-current-critiques-formulated-against-hoppe%E2%80%99s-argumentation-ethics> ///AHS PB

Hoppe observes that “the right to self-ownership” is very similar with the statement “I am alive.” One has to be not only a living person but she has to be also a non-coerced self-owner in order to deny the right to self-ownership. Hence, Hoppe purports to show that denying the right to self-ownership is self-contradictory: Such property right in one’s own body must be said to be justified a priori. For anyone who would try to justify any norm whatsoever would already have to presuppose an exclusive right to control over his [their] body as a valid norm simply in order to say “I propose such and such.” And anyone disputing such right, then, would become caught up in a practical contradiction, since arguing so would already implicitly have to accept the very norm which he was [they where] disputing. [Hoppe 2006, 342] Were this argument valid, libertarianism would be the only theory of justice that can be justified. By libertarianism it is intended the normative set of propositions derived from the self-ownership axiom. “In effect, this argument supports the natural rights position of libertarianism as espoused by the other master thinker of the modern libertarian movement, Murray N. Rothbard—above all in his Ethics of Liberty” (Hoppe 2006, 340–41). Showing that only the self-ownership axiom can pass the test of performative contradiction, justifies the preference for it. Libertarianism should be preferred to any other theory of justice, because only libertarianism is non-contradictory. To be sure, this fact does not impede conflicts to arise or non-libertarian solutions to be provided. Hoppe’s argument shows only that it would be absurd (i.e., self-contradictory) to adopt a non-libertarian ethics: I demonstrate that only the libertarian private property ethic can be justified argumentatively, because it is the praxeological presupposition of argumentation as such; and that any deviating, non-libertarian ethical proposal can be shown to be in violation of this demonstrated preference. Such a proposal can be made, of course, but its propositional content would contradict the ethic for which one demonstrated a preference by virtue of one’s own act of proposition-making, i.e., by the act of engaging in argumentation as such. […] Likewise, non-libertarian ethical proposals are falsified by the reality of actually proposing them. [Hoppe 2006, 341] If libertarianism is the correct ethical theory, the foremost political implication which follows from this idea is anarchy. As simple as the solution to the problem of social order is and as much as people in their daily lives intuitively recognize and act according to the ethics of private property just explained, this simple and undemanding solution implies some surprisingly radical conclusions. Apart from ruling out as unjustified all activities such as murder, homicide, rape, trespass, robbery, burglary, theft, and fraud, the ethics of private property is also incompatible with the existence of a state defined as an agency that possesses a compulsory territorial monopoly of ultimate decision-making (jurisdiction) and/or the right to tax. [Hoppe 2006, 388]

#### Fourth, equality – arguing that a moral law applies to one but not another implies that there is an inherent distinction between individuals – that allows individuals to justify any action by saying that the moral law doesn’t apply to them.

### Advocacy

#### I contend that the private appropriation of outer space is unjust. Here’s definitions for spec purposes.

#### Appropriation is:

Cambridge Dictionary, <https://dictionary.cambridge.org/us/dictionary/english/appropriation> JS

the [act](https://dictionary.cambridge.org/us/dictionary/english/act) of taking something for [your](https://dictionary.cambridge.org/us/dictionary/english/your) own use, usually without [permission](https://dictionary.cambridge.org/us/dictionary/english/permission):

#### Is indicates a quality of being in the present:

Merriam Webster, "Definition of IS," No Publication, <https://www.merriam-webster.com/dictionary/is> JS

present tense third-person singular of [BE](https://www.merriam-webster.com/dictionary/be)

### Offense

#### Now affirm:

1] Property right is impossible absent state jurisdiction – anything else is an illegitimate unilateral claim of right.

Cordelli Chiara, 2016, “What is Wrong with Privitization?”, Berkeley Law Journal, <https://www.law.berkeley.edu/wp-content/uploads/2016/01/What-is-Wrong-With-Privatization_UCB.pdf> JS

But if freedom is an original, pre-institutional right, how is it possible that there cannot be freedom without a state? It would be tempting to answer by appealing to the many empirical limits or “inconveniences” of a pre-institutional condition, e.g.. individual self-interest, limited knowledge and lack of assurance, and argue that only a state is capable of helping subjects overcome these limits. As is well known, that is the answer that Hobbes and Locke, each in their own way, provide. But for Kant, in the absence of a state there could be no freedom “however well disposed and law abiding men might be.”44 The state’s raison d'être cannot therefore be limited to its capacity to overcome human limitations, or to provide assurances against self-interested behavior. The answer rather lies in the connection between freedom as independence and acquired rights. The ability to establish purposes for oneself and pursue them, Kant argues, requires rights. At minimum, it requires that a person be able to acquire usable means, according to her own purposes, within the limits imposed on her by the entitlements of others to do the same. 45 Usable means include not only physical objects but also other people’s performance of an act, as well as other people’s status in relation to oneself. 46 In the state of nature, Kant argues, there can only be provisional rights to usable means, not conclusive ones. As he puts it, “it is possible to have something external as one’s own only in a rightful condition, under an authority giving laws publicly.”48 The reason for this rests on what we might call the problem of unilateralism. One aspect of this problem emerges from the obvious fact that acquiring rights over external objects necessarily entails imposing new obligations on others (i.e. to refrain from using those objects), thereby changing their normative situation. Now, for Locke these obligations are justified, as long as, when acquiring property, we respect the proviso that we leave “enough and as good” for others. But for Kant, and rightly in my view, the mere fact that the obligations I impose over you are not too demanding (because you have sufficient property left for your ends) does not mean that they are justified. 49 For if a person, through her own unilateral judgment, could place me under new obligations I did not previously have, just because they are not demanding, this would effectively subject me to her will. It would be incompatible with my “original right” to freedom. Since all persons are moral equals, no private person has any more right than another to change the normative situation – the entitlements and obligations – of others. Someone’s unilateral will cannot be a binding law for anyone else. 50 So we reach a dilemma: while your innate right to freedom gives you provisional rights to exclude me from your acquired possession of usable means and to prevent me from interfering with it (because it is only by having these rights that you can form and pursue your ends), at the same time you cannot, through your own unilateral action, change my normative situation by imposing on me a binding obligation to respect those rights that I previously had not. The solution of this dilemma rests in an omnilateral system of rules. It is only when your act of appropriation is authorized by a public, omnilateral will -- exercised on behalf of all of us, including myself -- that I can regard myself as bound by it.51 A unilateral act of yours (of which the act of acquisition is just one example) can only change the normative situation of others -- their entitlements and obligations -- if every one of them has ominilaterally authorized that act, that is, if the act is a “unilateral exercise of an omnilateral power.”52 An omnilateral power is a power exercised in everyone’s name. It follows that without an omnilateral, public systems of rules people lack conclusive rights to use the “all-purpose means” necessary to act as purposive agents, that is, as independent persons. These rights, and thus freedom itself, can only exist in a state.

#### That affirms – states like the US aren’t claiming jurisdiction over space now and there’s no rightful governing authority yet, so appropriation is a unilateral violation of right.

#### 2] International Law – the OST says appropriation’s impermissible by private entities.

Kurt Taylor, Fictions of the Final Frontier: Why the United States SPACE Act of 2015 Is Illegal, 33 Emory Int'l L. Rev. 653 2019 <https://scholarlycommons.law.emory.edu/eilr/vol33/iss4/6> JS

The broad text in Article II of the Outer Space Treaty provides an ordinary and unambiguous meaning free from absurdity.90 The language of Article II is short: “[o]uter space, including the Moon and other celestial bodies, is not subject to national appropriation by claim of sovereignty, by means of use or occupation, or by any other means.”91 At first glance, the language clearly intends to bar ownership over all aspects of outer space, with the only wrinkle of confusion being the meaning of “national appropriation.” Stephen Gorove, a space law expert, has suggested it is better to first define appropriation before determining how “national” modifies the term.92 Broadly, appropriation is “the taking of property for one’s own or exclusive use with a sense of permanence.”93 In this regard, appropriation is of a “national” character when it is by an entity under the sovereignty of the state from which they come or represent.94 Even though Article II uses the “national” language, its ordinary meaning is most closely linked to all sovereignties and the individuals and entities that attain property rights under the authority of a sovereign. A separate insight of classic legal realism logically lends itself to the same conclusion. For an individual to hold property rights in something, the government must legally recognize the property rights.95 The language of Article II bars governments from recognizing property interests in outer space for themselves. Because individuals and private entities cannot hold property rights in something without recognition from a sovereign that it will protect their rights, a correct interpretation of the language of Article II should bar the ability of private entities and individuals to appropriate rights over celestial resources as well. If a state recognizes a property right held by an individual over a celestial body or resource, such recognition would constitute a form of national appropriation because it is essentially “a de facto exclusion of other states and their nationals” to that body or resource.96 The text of Article II naturally leads to the conclusion that its non-appropriation language is binding on all actors— state and private.

#### That affirms –

#### A] Promise breaking is non-universalizable – if everyone broke their promises for their own ends, noone would take any promise seriously which undermines the very institution of promising in the first place, preventing the achieving of one’s end. B] Promises create obligations under any framework – the act of promising is by definition placing oneself under an obligation to perform or refrain from some future action – it is tautologically true that if one is under an obligation, then they are obligated – thus one has a normative obligation to follow their promises.

#### 3] Appropriation inherently uses the coercive instrument of taxation.

Shammas, V.L., and Holen, T.B. One giant leap for capitalistkind: private enterprise in outer space. Palgrave Commun 5, 10 (2019). <https://doi.org/10.1057/s41599-019-0218-9> JS  
But the entrepreneurial libertarianism of capitalistkind is undermined by the reliance of the entire NewSpace complex on extensive support from the state, ‘a public-private financing model underpinning long-shot start-ups' that in the case of Musk’s three main companies (SpaceX, SolarCity Corp., and Tesla) has been underpinned by $4.9 billion dollars in government subsidies (Hirsch, [2015](https://www.nature.com/articles/s41599-019-0218-9#ref-CR29)). In the nascent field of space tourism, Cohen ([2017](https://www.nature.com/articles/s41599-019-0218-9#ref-CR8)) argues that what began as an almost entirely private venture quickly ground to a halt in the face of insurmountable technical and financial obstacles, only solved by piggybacking on large state-run projects, such as selling trips to the International Space Station, against the objections of NASA scientists. The business model of NewSpace depends on the taxpayer’s dollar while making pretensions to individual self-reliance. The vast majority of present-day clients of private aerospace corporations are government clients, usually military in origin. Furthermore, the bulk of rocket launches in the United States take place on government property, usually operated by the US Air Force or NASA.[Footnote13](https://www.nature.com/articles/s41599-019-0218-9#Fn13)

#### 4] Exclusive control of outer space is a non-universalizable maxim since by definition not every rational agent has access to it – also takes out theft turns since that presupposes the institution of property is legitimate in the first place.

#### 5] Private property rights of outer space are a logical contradiction:

#### A] Appropriating outer space is impossible since by definition it is a lack of matter so it can’t be measured or divided – that’s supercharged by the universe expanding which means you can’t put fixed coordinate points in space – you can’t claim something for yourself if you can’t set the boundaries of what you own.

#### B] Appropriation is incoherent – it’s unreasonable to think that I am violating someone’s right by using their property, even if they never use that piece of property since there is no interference to their will – thus, the idea of ownership fails.

### Underview

#### 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

#### Accept all aff paradigm issues in the 1AR– the 1AR is too short to win both paradigm issues and a theory shell since we need to also respond to 7 minutes of the 1NC, so it’s most fair

#### 2] The ROB is to vote for the debater who proves the truth or falsity of the resolution – anything else moots 6 minutes of the aff since it’s predicated on proving the truth of the rez – prefer it:

#### Five dictionaries define to negate as to deny the truth of and affirm as to prove true which means the sole judge obligation is to vote on the resolution’s truth or falsity[[1]](#footnote-1). This outweighs on common usage – it is abundantly clear that our roles are verified, meaning that only truth testing is jurisdictional.

#### Ground- truth testing allows for the more ground than any other ROB since it allows for a literal infinite amount of arguments on a range of argumentation style giving the most breadth and depth of topic and phil ed

#### Circularity- debate is a question of truth or falsity, and the aff advocacy is the focus of every round- all arguments against this concede it’s validity, since it’s premised on your own argument being true

#### 3] Fairness is a voter – it’s a prerequisite to evaluation of the round as debate’s a competitive activity, which require the better debater win, but that’s impossible when there’s a skew against us

1. <http://dictionary.reference.com/browse/negate> - to deny the existence, evidence, or truth of:, <http://www.merriam-webster.com/dictionary/negate> -  to deny the existence or truth of, <http://www.thefreedictionary.com/negate> - to deny the existence, evidence, or truth of (something). , <http://www.vocabulary.com/dictionary/negate> - If something is proved false or untrue, it has been negated, https://www.yourdictionary.com/negateNegate is defined as to deny, to prove false

   Affirm is according to: 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-1)