## 1

#### Permissibility and presumption negate – (a) the resolution indicates the aff has to prove an obligation, and permissibility would deny the existence of an obligation (b) Statements are more often false than true because any part can be false. This means you negate if there is no offense because the resolution is probably false.

#### Morality must be grounded in a priori truth to guide action, otherwise everyone would have different ethical codes and follow different rules. And, truth exists independent of human experience since certain things can be self-proving, i.e. a triangle has three sides. This is the difference between a priori and a posteriori. Things that are true by observation are just true by a matter of chance. For example, the cat may be on the mat, but we can also conceive of a world in which the cat is not on the mat. In contrast, we can’t conceive of a world in which a triangle does not have three sides since it is tautologically true. Reject a posteriori truth since they are just arbitrary states of being, not constitutive of ethics.

#### Ethics must be derived from the constitutive features of agents – ethics based internally fail because they can’t generate universal obligations and ethics based externally fail because they are nonbinding as agents could opt-out and have no motivation to follow them which means they fail to guide action.

#### Constitutivism solves – it allows for universal obligations among all agents but they are binding and cannot be opted out of.

#### Next, only practical reason is constitutive:

#### [1] Uncertainty – our experiences are inaccessible to others which allows people to say they don’t experience the same, however a priori principles are universally applied to all agents.

#### [2] Bindingness – I can keep asking “why should I follow this” which results in relatvism since obligations are predicated on ignorantly accepting rules. Only reason solves since asking “why reason?” requires reason which concedes its authority and equally proves agency as constitutive.

#### And, a priori truth has to apply to everyone: (a) absent universal ethics, morality becomes arbitrary and fails to guide action, which means that ethics is rendered useless, (b) it’s a tautological contradiction any non-universal norm justifies someone’s ability to impede on your ends, which also means universalizability acts as a side constraint on all other frameworks.

**Siyar 99** Jamsheed Aiam Siyar: Kant’s Conception of Practical Reason. Tufts University, 1999**:**

Now, **when I represent my end as to be done, I represent it as binding me to certain courses of action**, precluding other actions, etc. **Thus, my ends function as constraints for me in that they determine what I can** or must **do** (at least if I am to be consistent). I may of course give up an end such as that of eating ice cream at a future point; yet while I have the end, I must see myself as bound to do what is necessary to realize it.35 Thus, I must represent my ends as constraints that I have adopted, constraints that structure the possible space of choice and action for me. Further, given that my end is rationally determined, I take it to be generally recognizable that my end functions as a rationally determined constraint. That is, I take it that other subjects can also recognize my end as an objective constraint, for I take it that they as well as myself can cognize its determining grounds—the source of its objective worth—through the exercise of reason. Indeed, **in representing an end, I** in effect **demand recognition for it from other subjects: since the end functions as an objective though self-imposed constraint for me**, I must demand that this constraint be recognized as such. The thought here is simply that **if I am committed to some end,** e.g. my ice cream eating policy, I must act in certain ways to realize it. In this context, **I cannot be indifferent to the** attitudes and **actions of others, for these may either help or hinder my pursuit of my end. Hence, if I am** in fact **committed to realizing my end,** i.e. if I represent an end at all, **I must demand that the worth of my end**, its status as to be done, **be recognized by others.**

#### Prefer additionally:

#### 1] Consequentialism fails – A] Predictions assumes specific causes of past consequences which can’t be verified as the actual cause B] Butterfly effect - every action has infinite consequences so it is impossible to evaluate an action; one government policy could end up causing nuclear war in a million years. C] Aggregation is impossible – pleasure and pain are subjective

#### 2] Actor spec: a) governments use side-constraints like constitutions in order to protect b) Governments are made to enforce equal restraints on the people. Ripstein 09

Ripstein, Arthur.  Force and Freedom: Kant’s Legal and Political Philosophy. Harvard University Press, Cambridge, Massachusetts.  2009. Pg 194-196.

**When officials act within their roles, they act for the state**; Kant also makes the stron ger claim that they act for the people. This might appear to collapse back into a private law model by presupposing conclusive pri- vate rights as the basis for a civil condition. Kant’s claim, however, is not that citizens actively entrust their affairs to the state, nor even that of fi cials act for citizens considered separately. Instead, **officials act for the citizens considered as a collective** body**.** Kant introduces the term “people” as “a multitude of human beings”;16 taken together, they create what he characterizes in the Critique of Pure Reason as a “totality,” that is, a plurality considered as a unity.17 A multitude of human beings is a people just because institutions act for them; the **institutions are the principle of their unity,** and the acts of those institutions are the acts of the people**.** Kant’s claim is thus not that each citizen has in fact consented to or transferred power to the state, nor even that the people have somehow united themselves and then transferred power to the state, but that **the state,** through its institutions,creates the people, because **only through institutions can “a multitude of human beings” make itself into a people.** So if a group of of fi cials make, apply, and enforce law in a given region of the Earth’s surface, in so doing they thereby unite the in hab i tants of that region into a people. By becoming an agent for the people, the state creates that people as a moral subject to whom its acts can be imputed. **The state’s entitlement to rule does not depend on “whether a state began with an actual contract of submission** (pactum subiectionis civilis) as a fact, or whether power came first and law arrived only afterward, or even whether they should have followed in this order.”18 What matters is that officials create a rightful condition; if they do, it is a rightful condition for the people in it. Kant can thus agree with Hobbes that a people is created by the institutions that act for it.19 The existence of representative institutions—that is, institutions in which the of fi cials act on behalf of the citizens considered as a collective body—makes it possible for the people to live together under laws and so to become a collective body.20 Its sta tus as a collective body is antecedent to any questions about its ability to rule itself through those institutions. Powers exercised within a rightful condition provide the omnilateral will required to repair each of the three defects in a state of nature. **Public acts are** omnilateral because they are not any particular person’s unilateral choice, but instead are **exercised on behalf of the citizens** considered as a collective body**.** They are also omnilateral in a further sense: a unilateral will always has some particular end, some matter of choice. **The omnilateral will** is different, because all that it **provides** is a form of choice, by providing **procedures through which laws can be made, applied, and enforced.** To return to Kant’s initial example, when the state authorizes the acquisition of private property, it does not make the having of property, or the accumulation of wealth, its purpose. Its purpose is to enable individual human beings to have things as their own as against each other, in accordance with the postulate of private right. **When the state acts to sustain a rightful condition**, in the ways to be discussed in Chapters 8 and 9, **it does not have the happiness of its citizens or the gross national product as its end; it only acts to preserve the formal conditions through which people can rule themselves**. And when the state punishes criminals, the topic of Chapter 10, it does not do so to prevent harm or to see to it that wrongdoers get what they deserve. It simply upholds the supremacy of its own law.

#### Freedom follows

#### [1] Its impossible to will a violation of freedom, since it necessarily entails a violation of your own freedom thus violating your will.

#### [2] We could not hold agents responsible for their actions if we did not assume them to have the freedom to control their actions for themselves.

**And the universality of freedom justifies a libertarian state.**

**OTTESON 9 brackets in original** James R. Otteson (professor of philosophy and economics at Yeshiva University) “Kantian Individualism and Political Libertarianism” The Independent Review, v. 13, n. 3, Winter 2009

In a crucial passage in Metaphysics of Morals, Kant writes that the “Universal Principle of Right” is **“‘[e]very action which by itself or by its maxim enables the freedom of each individual’s will to co-exist with the freedom of everyone else** in accordance with a universal law is right.’” He concludes, “Thus the universal law of right is as follows: let your external actions be such that the free application of your will can co-exist with the freedom of everyone in accordance with a universal law” (1991, 133, emphasis in original).5 This stipulation **becomes** for Kant **the grounding justification for the existence of a state**, its raison d’être, and **the reason we leave the state of nature is to secure this sphere of maximum freedom compatible with the same freedom of all others**. **Because this freedom must be complete**, in the sense of being **as full as possible** given the existence of other persons who demand similar freedom, it entails that **the state may**—indeed, must—**secure this condition** of freedom, **but undertake to do nothing else because any other** state **activities would compromise the very autonomy the state seeks to defend**. Kant’s position thus outlines and implies a political philosophy that is broadly libertarian; that is, it endorses a state constructed with the sole aim of protecting its citizens against invasions of their liberty. For Kant, **individuals create a state to protect their moral agency, and** in doing so **they consent to coercion only insofar as it is required to prevent themselves** or others **from impinging on** their own or **others’ agency**. In his argument, individuals cannot rationally consent to a state that instructs them in morals, coerces virtuous behavior, commands them to trade or not, directs their pursuit of happiness, or forcibly requires them to provide for their own or others’ pursuits of happiness. And except in cases of punishment for wrongdoing,6 this severe limitation on the scope of the state’s authority must always be respected: “The rights of man must be held sacred, however great a sacrifice the ruling power may have to make. There can be no half measures here; it is no use devising hybrid solutions such as a pragmatically conditioned right halfway between right and utility. For all politics must bend the knee before right, although politics may hope in return to arrive, however slowly, at a stage of lasting brilliance” (Perpetual Peace, 1991, 125). The implication is that a Kantian state protects against invasions of freedom and does nothing else; in the absence of invasions or threats of invasions, it is inactive.

#### Thus, the standard is consistency with with a libertarian state of non-interference.

### Offense

#### I negate: resolved: The appropriation of outer space by private entities is unjust.

#### Libertarianism mandates a market-oriented approach to space—that negates

Broker 20 [(Tyler, work has been published in the Gonzaga Law Review, the Albany Law Review and the University of Memphis Law Review.) “Space Law Can Only Be Libertarian Minded,” Above the Law, 1-14-20, <https://abovethelaw.com/2020/01/space-law-can-only-be-libertarian-minded/>] TDI

The impact on human daily life from a transition to the virtually unlimited resource reality of space cannot be overstated. However, when it comes to the law, a minimalist, dare I say libertarian, approach appears as the only applicable system. In the words of NASA, “2020 promises to be a big year for space exploration.” Yet, as Rand Simberg points out in Reason magazine, it is actually private American investment that is currently moving space exploration to “a pace unseen since the 1960s.” According to Simberg, due to this increase in private investment “We are now on the verge of getting affordable private access to orbit for large masses of payload and people.” The impact of that type of affordable travel into space might sound sensational to some, but in reality the benefits that space can offer are far greater than any benefit currently attributed to any major policy proposal being discussed at the national level. The sheer amount of resources available within our current reach/capabilities simply speaks for itself. However, although those new realities will, as Simberg says, “bring to the fore a lot of ideological issues that up to now were just theoretical,” I believe it will also eliminate many economic and legal distinctions we currently utilize today. For example, the sheer number of resources we can already obtain in space means that in the rapidly near future, the distinction between a nonpublic good or a public good will be rendered meaningless. In other words, because the resources available within our solar system exist in such quantities, all goods will become nonrivalrous in their consumption and nonexcludable in their distribution. This would mean government engagement in the public provision of a nonpublic good, even at the trivial level, or what Kevin Williamson defines as socialism, is rendered meaningless or impossible. In fact, in space, I fail to see how any government could even try to legally compel collectivism in the way Simberg fears. Similar to many economic distinctions, however, it appears that many laws, both the good and the bad, will also be rendered meaningless as soon as we begin to utilize the resources within our solar system. For example, if every human being is given access to the resources that allows them to replicate anything anyone else has, or replace anything “taken” from them instantly, what would be the point of theft laws? If you had virtually infinite space in which you can build what we would now call luxurious livable quarters, all without exploiting human labor or fragile Earth ecosystems when you do it, what sense would most property, employment, or commercial law make? Again, this is not a pipe dream, no matter how much our population grows for the next several millennia, the amount of resources within our solar system can sustain such an existence for every human being. Rather than panicking about the future, we should try embracing it, or at least meaningfully preparing for it. Currently, the Outer Space Treaty, or as some call it “the Magna Carta of Space,” is silent on the issue of whether private individuals or corporate entities can own territory in space. Regardless of whether governments allow it, however, private citizens are currently obtaining the ability to travel there, and if human history is any indicator, private homesteading will follow, flag or no flag. We Americans know this is how a Wild West starts, where most regulation becomes the impractical pipe dream. But again, this would be a Wild West where the exploitation of human labor and fragile Earth ecosystem makes no economic sense, where every single human can be granted access to resources that even the wealthiest among us now would envy, and where innovation and imagination become the only things we would recognize as currency. Only a libertarian-type system, that guarantees basic individual rights to life, liberty, and the pursuit of happiness could be valued and therefore human fidelity to a set of laws made possible, in such an existence.

## 2

#### Interpretation: Debaters must not read theoretical justifications for their framework. To clarify, TJFs are bad

#### Violation: they read predictability and topic ed to justify their fw

#### [1]Phil-ed: kills phil ed by forcing a theory debate in framework when we are supposed to be learning about and debating philosophy. That’s an indepedant voter and controls the internal link to other voters because we need a concept of noramtivity to even care about fairness or education.

#### [2]Strat skew: TJFs force me to win on both theory and framework to win framework while you may only debate one, extending the other. Kills fairness since I have to engage on different layers with minimal time.

#### [3] Logic – theoertical justifications are bad bc regardless of whether or not the fw is philosopohically coherent tjfs ensure we apply illogical args for debates which kills education because its bad to learn about untrue things and fairness because disregarding rules of logic make it so that we’re unable to come up with argumentation – independently logic outweighs because it’s a litmus test for what counts as an argument in the first place

Voter—vote on fairness – debate is a competitive activity governed by rules. You can’t evaluate who did better debating if the round is structurally skewed, so fairness is a gateway to substantivabe debate. Drop the debater a) to set a precedent for the best norms of debate b) to deter future abuse. Use competing interps because 1] what is reasonably fair is arbitrary 2] reasonability encourages debaters to get away with increasingly unfair strategies through defense on theory.