## 1AC

### Shell

#### Interpretation: Debaters must disclose all constructive positions on open source with highlighting on the 2021-22 NDCA LD wiki after the round in which they read them.

#### B. Violation: You didn’t disclose TOC R5 – no wiki entry means no osource

Graphical user interface, application, table

Description automatically generated

#### C. Standards:

#### 1] Debate resource inequities—you’ll say people will steal cards, but that’s good—it’s the only way to truly level the playing field for students such as novices in under-privileged programs – it equals the playing field.

Overing 18 – Bob Overing, LD Scholar (“Holiday Disclosure Post #6 – 10 Things Edition” JANUARY 12, 2018. http://www.premierdebate.com/disclosure-post-6/)

**Open source improves on usual disclosure practices** in the obvious way – **you can read their evidence for better prep**aration – and in a number of smaller ways too. **It solves the analytics problem** I discussed above, **so round-altering uncarded arguments are available** (though this doesn’t really apply to Harvard-Westlake), **and it gives access to evidence from paywalled articles**. **Every season I coach debaters who lack access to major databases; for schools without robust online library offerings or teams without college coaches, this matters a lot**.

#### 2] Evidence ethics – open source is the only way to verify pre-round that cards aren’t miscut or highlighted or bracketed unethically. That’s a voter – maintaining ethical ev practices is key to being good academics and we should be able to verify you didn’t cheat

#### No RVI on 1ac theory --they would have 7 minutes to answer a minute-long shell and the debate would end right there

#### DTD—abuse already occurred and skewed my strat, set better norms

#### Competing interps on 1AC Theory- A] 7 minutes is more than enough time to robustly justify their counter interp B] rzn is arbitrary

#### o/w 1NC theory- epistemic skew

### Framing

#### *Ethics must begin a priori*

#### [A] Empirical Uncertainty – evil demon could deceive us and inability to know others experience make empiricism an unreliable basis for universal ethics. Outweighs since it would be escapable since people could say they don’t experience the same.

#### [B] Constitutive Authority – The meta-ethic is bindingness. Practical reason is the only unescapable authority because to ask why I should be a reasoner concedes it’s authority since you’re actively reasoning.

#### [C] Naturalistic fallacy – experience only tells us what is since we can only perceive what is, not what ought to be. But it’s impossible to derive an ought from descriptive premises, so there needs to be additional a priori premises to make a moral theory.

#### That justifies universality – a] a priori principles like reason apply to everyone since they are independent of human experience and b] any non-universalizable norm justifies someone’s ability to impede on your ends i.e. if I want to eat ice cream, I must recognize that others may affect my pursuit of that end.

#### Additionally:

#### [A] Ethical frameworks are topicality interpretations of the word ought so they must be theoretically justified. Prefer on resource disparities—focusing on evidence and statistics privileges debaters with the most preround prep excluding lone-wolfs who lack huge evidence files. A debater under my framework can easily be won without any prep since minimal evidence is required. That controls the internal link to other voters because a pre-req to debating is access to the activity.

#### [B] Only universalizable reason can effectively explain the perspectives of agents – that’s the best method for combatting oppression.

Farr 02 Arnold Farr (prof of phil @ UKentucky, focusing on German idealism, philosophy of race, postmodernism, psychoanalysis, and liberation philosophy). “Can a Philosophy of Race Afford to Abandon the Kantian Categorical Imperative?” JOURNAL of SOCIAL PHILOSOPHY, Vol. 33 No. 1, Spring 2002, 17–32.

**One** of the most popular **criticism**s **of Kant’s moral philosophy is that it is too formalistic.**13 That is, the universal nature of the categorical imperative leaves it devoid of content. Such a principle is useless since moral decisions are made by concrete individuals in a concrete, historical, and social situation. This type of criticism lies behind Lewis Gordon’s rejection of any attempt to ground an antiracist position on Kantian principles. The rejection of universal principles for the sake of emphasizing the historical embeddedness of the human agent is widespread in recent philosophy and social theory. I will argue here on Kantian grounds that **although a distinction between the universal and the concrete is** a **valid** distinction, **the unity of the two is required for** an understanding of human **agency.** The attack on Kantian formalism began with Hegel’s criticism of the Kantian philosophy.14 The list of contemporary theorists who follow Hegel’s line of criticism is far too long to deal with in the scope of this paper. Although these theorists may approach the problem of Kantian formalism from a variety of angles, the spirit of their criticism is basically the same: The universality of the categorical imperative is an abstraction from one’s empirical conditions. **Kant is** often **accused of making the moral agent an abstract, empty**, noumenal **subject. Nothing could be further from the truth. The Kantian subject is** an embodied, empirical, concrete subject. However, this concrete subject has a dual nature. Kant claims in the Critique of Pure Reason as well as in the Grounding that human beings have an intelligible and empirical character.15 It is impossible to understand and do justice to Kant’s moral theory without taking seriously the relation between these two characters. The very concept of morality is impossible without the tension between the two. By “empirical character” Kant simply means that we have a sensual nature. We are physical creatures with physical drives or desires. **The** very **fact that I cannot simply satisfy my desires without considering the rightness** or wrongness **of my actions suggests that my empirical character must be held in check** by something, or else I behave like a Freudian id. My empiri- cal character must be held in check **by my intelligible character**, which is the legislative activity of practical reason. It is through our intelligible character that **we formulate principles that keep our** empirical **impulses in check.** The categorical imperative is the supreme principle of morality that is constructed by the moral agent in his/her moment of self-transcendence. What I have called self-transcendence may be best explained in the following passage by Onora O’Neill: In restricting our maxims to those that meet the test of the categorical imperative we refuse to base our lives on maxims that necessarily make our own case an exception. The reason why a universilizability criterion is morally signiﬁcant is that it makes our own case no special exception (G, IV, 404). In accepting the Categorical Imperative we accept the moral reality of other selves, and hence the possibility (not, note, the reality) of a moral community. **The Formula of Universal Law enjoins no more than that we act only on maxims that are open to others also.**16 O’Neill’s description of the universalizability criterion includes the notion of self-transcendence that I am working to explicate here to the extent that like self-transcendence, universalizable moral principles require that the individ- ual think beyond his or her own particular desires. The individual is not allowed to exclude others **as** rational **moral agents** who have the right to act as he acts in a given situation. For example, if I decide to use another person merely as a means for my own end I must recognize the other person’s right to do the same to me. I cannot consistently will that I use another as a means only and will that I not be used in the same manner by another. **Hence,** the **universalizability** criterion **is a principle of consistency and** a principle of **inclusion.** That is, in choosing my maxims **I** attempt to **include the perspective of other moral agents.**

#### [C] Practical identities – we find our lives worth living under practical identities such as student but that presupposes agency.

**Korsgaard 92** CHRISTINE M. Korsgaard 92 [I am a Professor of Philosophy at Harvard University, where I have taught since 1991. From July 1996 through June 2002, I was Chair of the Department of Philosophy. (The current chair is Sean Kelly.) From 2004-2012, I was Director of Graduate Studies in Philosophy. (The current DGS is Mark Richard.) Before coming here, I held positions at Yale, the University of California at Santa Barbara, and the University of Chicago, as well as visiting positions at Berkeley and UCLA. I served as President of the Eastern Division of the American Philosophical Association in 2008-2009, and held a Mellon Distinguished Achievement Award from 2006-2009. I work on moral philosophy and its history, practical reason, the nature of agency, personal identity, normativity, and the ethical relations between human beings and the other animals], “The Sources of Normativity”, THE TANNER LECTURES ON HUMAN VALUES Delivered at Clare Hall, Cambridge University 16-17 Nov 1992, BE

The Solution: Those who think that the human mind is internally luminous and transparent to itself think that the term “self-consciousness” is appropriate because what we get in human consciousness is a direct encounter with the self. Those who think that the human mind has a reflective structure use the term too, but for a different reason. The reflective structure of the mind is a source of “self-consciousness” because it forces us to have a conception of ourselves. As Kant argues, this is a fact about what it is like to be reflectively conscious and it does not prove the existence of a metaphysical self. From a third person point of view, outside of the deliberative standpoint, it may look as if what happens when someone makes a choice is that the strongest of his conflicting desires wins. But that isn’t the way it is for you when you deliberate. When you deliberate, it is as if there were something over and above all of your desires, something that is you, and that chooses which desire to act on. This means that the principle or law by which you determine your actions is one that you regard as being expressive of yourself. To identify with such a principle or law is to be, in St. Paul’s famous phrase, a law to yourself.6 An agent might think of herself as a Citizen in the Kingdom of Ends. Or she might think of herself as a member of a family or an ethnic group or a nation. She might think of herself as the steward of her own interests, and then she will be an egoist. Or she might think of herself as the slave of her passions, and then she will be a wanton. And how she thinks of herself will determine whether it is the law of the Kingdom of Ends, or the law of some smaller group, or the law of the egoist, or the law of the wanton that is the law that she is to herself. The conception of one’s identity in question here is not a theoretical one, a view about what as a matter of inescapable scientific fact you are. It is better understood as a description under which you value yourself, a description under which you find your life to be worth living and your actions to be worth undertaking. So I will call this a conception of your practical identity. Practical identity is a complex matter and for the average person there will be a jumble of such conceptions. You are a human being, a woman or a man, an adherent of a certain religion, a member of an ethnic group, someone’s friend, and so on. And all of these identities give rise to reasons and obligations. Your reasons express your identity, your nature; your obligations spring from what that identity forbids.

#### Thus, the standard is consistency with the categorical imperative.

#### [1] Presumption and Permissibility affirm: a] Statements are true before false since if I told you my name, you’d believe me. b] If anything is permissible, then so is the aff since there is nothing prohibiting us.

#### [2] Consequences Fail: a] Every action has infinite stemming consequences, because every consequence can cause another consequence so we can’t predict. b] Induction is circular because it relies on the assumption that nature will hold uniform and we could only reach that conclusion through inductive reasoning based on observation of past events. c] Every action is infinitely divisible, only intents unify because we commit the end point of an action – but consequences cannot determine what step of action is moral d] Yes act/omission distinction – there are infinite events occurring over which you have no control, so you can never be moral

### Offense

Thus, the plan – Resolved: The appropriation of outer space by private entities is unjust. Definitions and enforcement in the doc - I’ll clarify in cross.

#### 1] The squo is an instance of a unilateral will governing individuals while universal decision making is absent. This is an unjust state which violates people’s freedoms and violates the categorical imperative.

Cordelli 16 Chiara Cordelli [Chiara Cordelli is an associate professor in the Department of Political Science at the University of Chicago. Her main areas of research are social and political philosophy, with a particular focus on theories of distributive justice, political legitimacy, normative defenses of the state, and the public/private distinction in liberal theory. She is the author of The Privatized State (Princeton University Press, 2020), which was awarded the 2021 ECPR political theory prize for best first book in political theory. She is also the co-editor of, and a contributor to, Philanthropy in Democratic Societies (University of Chicago Press, 2016). -- [cordelli@uchicago.edu](mailto:cordelli@uchicago.edu)] “WHAT IS WRONG WITH PRIVATIZATION?”, University of Chicago, Political Science & the College, https://www.law.berkeley.edu/wp-content/uploads/2016/01/What-is-Wrong-With-Privatization\_UCB.pdf

The intrinsic wrong of privatization, I will suggest, rather consists in the creation of an institutional arrangement that, by its very constitution, denies those who are subject to it equal freedom. I understand freedom as an interpersonal relationship of reciprocal independence. To be free is not to be subordinated to another person’s unilateral will. By building on an analytical reconstruction of Kant’s Doctrine of Right, I will argue that current forms of privatization reproduce (to a different degree) within a civil condition the very same defects that Kant attributes to the state of nature, or to a pre-civil condition, thereby making a rightful condition of reciprocal independence impossible. Importantly, this is so even if private actors are publicly authorized through contract and subject to regulations, and even if they are committed to reason in accordance with the public good. The reason for this, as I will explain, derives from the fact that private agents are constitutionally incapable of acting omnilaterally, even if their actions are omnilaterally authorized by government through some delegation mechanism, e.g. a voluntary contract. Omnilateralness, I will suggest, must be understood as a function of 1) rightful judgment and 2) unity. By rightful judgment I mean the capacity to reason publicly and to make universal rules that are valid for everyone, according to a juridical ideal of right, as necessary to solve the problem of the unilateral imposition of private wills on others. By unity I mean the capacity to make rules and decisions that change the normative situation of others, as a part of a unified system of decision-making. The condition of unity is crucial, as I shall later explain, insofar as there might be multiple interpretations compatible with rightful judgment, which would still problematically leave the definition of people’s rightful entitlements indeterminate. Further, the practical realization of the juridical idea of an omnilateral will, I will contend, requires embeddedness within a shared collective practice of decision-making. In practice, rightful judgment can only obtain when certain shared background frameworks that structure practical reasoning and confer unity to that reasoning are in place. The rules of public administration and the authority structure of bureaucracy should be understood as playing this essential function of giving empirical and practical reality to the omnilateral will, as far as the execution of rules and the concrete definition of entitlements are concerned. Together, these two requirements are necessary, (whether they are also sufficient is a different question), to make an action the omnilateral action of a state, which has the moral power to change the normative situation of citizens, by fixing the content of their rights and duties in accordance with the equal freedom of all. The phenomenon of privatization thus raises the fundamental questions of why we need political institutions to begin with, and what makes an action an action of the state. Insofar as private agents make decisions that fundamentally alter the normative situation (the rights and duties) of citizens, and insofar as, by definition, private agents are not public officials embedded in that shared collective practice, their decisions, even if well intentioned and authorized through contract, cannot count as omnilateral acts of the state. They rather and necessarily remain unilateral acts of men. Hence, I will conclude, for the very same reasons that we have, following Kant, a duty to exit the state of nature so as to solve the twofold problems of the unilateral imposition of will on others and the indeterminacy of rights, we also have a duty to limit privatization and to support, on normative grounds, a case for the re-bureaucratization of certain functions. Therefore, my paper provides foundational reasons to agree with Richard Rorty’s nonfoundational defense of bureaucracy as stated in the opening epigraph, since only agents who are appropriately embedded within a bureaucratic structure, properly understood, are, in many cases, capable of acting omnilaterally. The “bosses” I am here concerned with are not primarily those who can unilaterally impose their will on us in their capacity as private employers, but rather any private actor who acts unilaterally while in the garb of the state. This essay is structured as follows. In Section I, I assess and reject what I take to be the most powerful non-instrumental arguments against privatization. In Section II, through an interpretation of Kant, I explain in what sense the state, defined as an omnilateral system of rules, is a constitutive condition of freedom, rather than merely an instrument to promote it. In Section III, through an analytical reconstruction, based on a theory of collective action, of the conditions that make a system of rules an omnilateral system of laws rather than an aggregation of unilateral acts of men, I show that privatization constitutes a regression to the state of nature, understood as a normative condition of unfreedom. I then present some reflections on the broader implications of my argument, as it posits an expansive conception of the juridical order as an appropriate object of analysis for political philosophy. Before moving to the next section, let me first clarify what I mean by privatization. In a general sense, privatization can be defined as the devolution of public responsibilities to private actors. This however entails a baseline against which the idea of public responsibilities must be specified. Here I defend a normative, rather than, as is commonly the case, a historical or economic baseline.11 I will assume that in a just society government ought to bear, on grounds of justice, the primary responsibility to secure not only a fair distribution of general resources, including income and wealth, through tax and transfers, but also an adequate provision of particular in-kind goods, including police protection, defense, criminal justice, education and healthcare.12 This does not per se entail, however, that government should provide these goods directly. Government may fund the production of in-kind goods, while delegating their provision to private actors. I thus define privatization as the implementation of public, justice-based responsibilities through private agents.

#### 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.

#### 6] Extending neoliberal polices in space violate universal law through continued injustice.

Segobaetso 18 Segobaetso, Benjamin. *Ethical Implications of the Colonization, Privatization and Commercialization of Outer Space*. SJEP

It can be argued through Kantian ethics that our record here on Earth paints a picture of neoliberal and capitalist policies with tendencies to favour the highest bidder at the exclusion of the under privileged and puts profit first at the expense of the environment. For Kantians, there are two questions that we must ask ourselves whenever we decide to act: (i) Can I rationally will that everyone act as I propose to act? If the answer is no, then we must not perform the action. (ii) Does my action respect the goals of human beings? Again, if the answer is no, then we must not perform the action. Kantian ethicists would argue that extending to space neoliberal and capitalist policies is immoral because these systems create economic disparities and life threatening environmental injustices; therefore, they are set up in a way that we could not rationally will everyone to act the way they act either here on Earth or in space. Also, Kantian ethicists would ask whether the action of extending neoliberal and capitalist policies to space would respect the goals of extra-terrestrial intelligent life if any rather than merely using them for humans’ own purposes? If the answer is no, then the participating agent must not perform the action. Kant wrote on the possible existence of extra-terrestrial intelligent species in the final pages of the last book that he published, Anthropology from a Pragmatic Point of View [Anthropologie in pragmatischer Hinsicht] (1978). In this publication, Kant hinted that the highest concept of the Alien species may be that of a terrestrial rational being [eines irdischen vernünftigen ]; however, he argued that it will be difficult to describe its characteristics because there is no knowledge available of a non-terrestrial rational being [nicht irdischen Wesen] which could be used as a reference in regards to its properties and ultimately classify that terrestrial being as rational. This dilemma will continue until extraterrestrial intelligent life is discovered because comparing two species of rational beings has to be on the basis of experience, but that experience has not been possible yet (Kant, 237-238). In applying Kant’s deontological moral theory, it must first be recognized that Kant visualized a kind of respect in which we all can recognize every rational being exists as an end in itself (1) as being not fully comprehensible by any human understanding, (2) as being an end in him- or herself, and (3) as being a potential source of moral law (Kant, 2012). In this regard, since Kant insinuated that the highest concept of the extraterrestrial intelligent species may be that of a terrestrial rational being [eines irdischen vernünftigen ]; that implies any encounter with extra-terrestrial intelligent life will compel us under the deontological moral theory to recognize that life as being not fully comprehensible by any human understanding, as being an end in itself, and as being a potential source of moral law (Kant, 2012). It must be realized that Kant’s deontology theory does not go without criticism by critical theorists who believe in dismantling all systems of oppression.

#### 7] The categorical imperative rejects states and companies desires to profit off of space for themselves.

Wurth 19Wurth, Nicolas. “SPACE ETHICS IN INTERNATIONAL SPACE LAW: ADVANCEMENT AND ENFORCEABILITY.” *University of Luxembourg* , 2019. SJEP

Hans Jonas, german philosopher, studied the concept of ethics related to Kant’s “Categorical Imperative” under the angle of modern technology allowing humans to surpass their own frontiers.10 By extending the aforementioned Categorical Imperative to modern technologies, (which includes space activities) he wrote: “Act that the effects of your action are compatible with the permanence of genuine human life. [...] Act so that the effects of your action are not destructive of the future possibility of such life [...] Do not compromise the conditions for an indefinite continuation of humanity on earth.”11 The conceptualization of ethics implies to evaluate behavior, actions and activities of space actors.12 Related to space activities, ethical behavior shall therefore be aligned with a sort of conduct that is to be followed, independently of “any natural desires.” Such an understanding does naturally challenge States’ desires to diversify their economy via the adoption of a legal framework on space activities13 or the profit-making goal of a company which has the technical ability to conduct a profitable space activity such as space-mining?

#### 8] In outer space, there is no governing authority and thus claiming property imposes your will over others.

Stilz 2 (Anna Stilz, Anna Stilz is Laurance S. Rockefeller Professor of Politics and the University Center for Human Values. Her research focuses on questions of political membership, authority and political obligation, nationalism and self-determination, rights to land and territory, and collective agency. , 2009, accessed on 12-18-2021, Muse.jhu, "Project MUSE - Liberal Loyalty", https://muse.jhu.edu/book/30179)//phs st

It might seem, then, that Kant, like Simmons, would hold that although our acquired rights are initially indefinite, our private acts of appropria- tion in a state of nature can function to more clearly delimit their contours. Once I appropriate an external object—for example, my piece of land in the state of nature—the boundaries of my right to external freedom might simply be equivalent to those of the things and spaces that I have appropriated. If this were so, then individuals could succeed in more precisely defining property without the help of the state, and simply by coordinating expectations based on their private acts. In order to respect and acknowledge my external freedom, on this view, you would just have to cede me the spot I have rightfully occupied and to refrain from infringing on my choices within that sphere. Yet Kant does not take this position: he argues that the rights made possible by the postulate of practical reason are problematic. Whatever rights our private acts of appropriation outside the state confer upon us can only be understood as provisional rights, that is, they are not conclusive and settled (peremp- torische): indeed, for him, “It is possible to have something external as one’s own only in a rightful condition, giving laws publicly, that is, a civil condition” (MM, 6:255). What is the problem with these private methods of defining our rights to property? Why are they so unsatisfactory, from Kant’s perspective? The essential problem with acquiring property rights in a state of nature, for Kant, seems to be that we cannot unilaterally—through private will— impose a new obligation on other persons to respect our property that they would not otherwise have had.30 “By my unilateral choice I cannot bind another to refrain from using a thing, an obligation he would not otherwise have; hence I can do this only through the united choice of all who possess it in common” (MM, 6:261).31 Even claiming to interpret the a priori general will on another person’s behalf, says Kant, is at- tempting to impose a law on them on my own private authority, since every act of appropriation is “the giving of a law that holds for everyone” (MM, 6:253).32 And he worries that this claim to private authority over others is a potential source of injustice: “Now when someone makes ar- rangements about another, it is always possible for him to do the other wrong; but he can never do wrong in what he decides upon with regard to himself (for volenti non fit inuria)” (MM, 6:314). My will to appro- priate, in the belief that my appropriation is justifiable to others, cannot yet serve as a (coercive) law for everyone else, because it cannot put them under an obligation. Kant suggests, in other words, that figuring out how to carve up shares of the external world consistently with everyone’s freedom does not ex- haust the entire problem of justice involved in acquiring rights to prop- erty. We might appeal to criteria of salience or convention to help coordi- nate our expectations on which of the many possible property distributions to choose. But we face an additional difficulty: how do we impose one of these distributions without at the same time arrogating to ourselves the private authority to lay down the law for an equally free being, one who has an innate right not to be constrained by our private will? In coercing someone to respect our view of our property rights, we are also necessarily claiming the right to impose our private will upon that person. If it is to really respect everyone’s freedom, Kant thinks, a property distribution cannot be unilaterally imposed in this way. This additional dimension of the problem of justly acquiring rights— the problem of unilateral imposition—is rooted in each person’s basic “right to do what seems right and good to him and not to be dependent upon another’s opinion about this” (MM, 6:312). This right to do what seems right and good to him derives from the moral equality of persons: no one has an innate right to decide in another person’s behalf. And be- cause each person is an equally authoritative judge, it is therefore impossi- ble—in a state of nature—to put [them] under an obligation of justice that [they] himself does not recognize. The will of all others except for himself, which proposes to put him under obligation to give up a certain possession, is merely unilateral, and hence has as little lawful force in denying him possession as he has in asserting it (since this can be found only in a general will). (MM, 6:257) In conditions of equal authority—such as those that exist in any state of nature—one is obligated only by what one recognizes, by one’s own lights, as an objectively valid requirement of justice. For that reason, no other person’s merely unilateral will can bind one in the face of one’s own disagreement. Kant concludes from this that “no particular will can be legislative for the commonwealth” (TP, 8:295), since no private person’s will can effec- tively claim to impose an obligation on others. Instead, Kant says that “all right,” that is to say all claims that impose binding duties on others, “depends on laws” (TP, 8:294). Law overcomes the problem of unilater- alism inherent in imposing new obligations on others on one’s own au- thority, by substituting an omnilateral will in place of a unilateral one: “Only the concurring and united will of all, insofar as each decides the same thing for all, and all for each, and so only the general united will of the people, can be legislative” (MM, 6:314). But why is law—imposed from a public perspective—consistent with everyone’s freedom in a way that particular wills—based on our private judgments—are not? Fundamentally, Kant argues that defining and enforcing both our rights over our bodies and our rights to external objects through public and nonarbitrary laws is the only way to secure ourselves against the coercive interference of other private persons in our affairs. For Kant, then, the only sort of property distribution to which we could all hypothetically consent must necessarily be one that is defined and enforced by the state, since all privately enforced distributions have the inevitable side-effect of subjecting us to the wills of others. To show this in more detail, Kant points out two different ways that unilateral private enforcement under- mines our right to independence: first, through unilateral interpretation— a particularly pervasive problem in the enforcement of property rights, since these rights are fully conventional in a way our rights over our bod- ies are not; and second, through unilateral coercion, which threatens in- terference by others in all our rights, both our rights over our bodies and our rights over external things.

#### 9] In the state of nature, everyone is an equal arbitrator of justice – that makes rights violations impossible to resolve.

Stilz 3 (Anna Stilz, Anna Stilz is Laurance S. Rockefeller Professor of Politics and the University Center for Human Values. Her research focuses on questions of political membership, authority and political obligation, nationalism and self-determination, rights to land and territory, and collective agency. , 2009, accessed on 12-18-2021, Muse.jhu, "Project MUSE - Liberal Loyalty", https://muse.jhu.edu/book/30179)//phs st

The Problem of Unilateral Interpretation Kant centrally appeals to the idea that to conclusively possess a right, it must be an objective right, rather than a subjective right based on one individual’s private interpretation of what justice requires. A subjective right is an individual’s good-faith belief about his rights: this belief gives him title to coerce others to keep off his property or to allow him bodily inviolability. But it does not yet place other people under a correlative duty. That would be so only if all individuals shared [their] interpretation of justice. But since individuals are equally authoritative judges in the state of nature, whenever they do not share another person’s belief about jus- tice, his belief imposes no duty on them at all. Instead, they are obliged only by the duties imposed by their own good-faith interpretation of jus- tice, which may not be concordant with his. It might be said, by someone of a more Lockean persuasion, that one of these competing interpreta- tions is the one that simply is valid as a matter of moral fact. That may be so. But as long as we remain in a state of nature, even this true view of right must remain unrealized, since each person, being an equally au- thoritative judge, has a right to enforce [their] own interpretation of justice, which means the true view of right places the person under no duties when it does not correspond with the person’s own. So as long as we remain our own judges and self-enforcers, there is no means by which we might establish which interpretation of right is morally valid without claiming the authority to serve as judge in another person’s behalf and forcibly subject the person to our will. And to claim that authority over someone else, Kant thinks, is refuse to recognize a person’s independence as an equally free being. For this reason, Kant thinks a procedure for the determination of objec- tive rights is a constitutive feature of justice, since a common process of adjudication is logically necessary if anyone’s rights are to impose any objective duties on other people.33 Objective rights are rights that are de- termined through such a process of adjudication, and that impose recog- nizable duties on us even when we disagree about what justice requires. If each person is threatened with violence every time another person’s private interpretation of justice disagrees with her own, [they] cannot possi- bly enjoy a secure sphere of freedom, since this other person is able to interfere with it whenever he sees fit. Instead, it is a constitutive part of justice that there be one univocal interpretation of the rights and duties to which everyone is subject, because only then can people securely enjoy independence from each other. Part of what justice demands, then, is a mechanism

### UV

#### 1] Aff gets 1AR theory since the neg can be infinitely abusive and I can’t check back. It’s drop the debater since the 1ar is too short to win both theory and substance. No RVI or 2NR paradigm issues since they’d dump on it for 6 minutes and my 3-minute 2AR is spread too thin. Competing interps since 2NR has enough time to flesh out a proper CI

#### 2] Contesting offense under the Aff framework is a voting issue. Reciprocity – I have to win my framework and beat the NC before I can access case, whereas you can collapse to either layer or dump on offense for 7 minutes as a no-risk issue so there’s a skew. Key to fairness because it’s definitionally equal access to the ballot.