# NC

#### presumption negates – 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.

**Ethics must begin a priori:**

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

**[B] Constitutive Authority – practical reason is the only unescapable authority because to ask for why we should be reasoners concedes its authority since it uses reason – anything else is nonbinding and arbitrary.**

**[C] Action theory – only evaluating action through reason solves since reason is key to evaluate intent, otherwise we could infinitely divide actions. For example: If I was brewing tea, I could break up that one big action into multiple small actions. Only our intention, to brew tea unifies these actions. If we were never able to unify action, we could never classify certain actions as moral or immoral since those actions would be infinitely divisible.**

**Next, the relevant feature of reason is universality – 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 and demand the value of my end be recognized by others which also means universality acts as a side constraint on all other frameworks. It’s impossible to will a violation of freedom since deciding to do so would will incompatible ends since it logically entails willing a violation of your own freedom.**

**Moral law follows – it stems uniquely from reason and not from empiricism. That outweighs – if morality were based on things like desires then it would be imposed on us from the outside and we wouldn’t be free.**

**Thus, the standard is consistency with the categorical imperative. Prefer:**

**[1] Performativity— willing that we should abide by their ethical theory presupposes that we own ourselves in the first place. Thus, it is logically incoherent to justify a standard without first willing that we can pursue ends free from others.**

**[2] Prefer ideal theory – real world injustices need universal ideal principles to ground them and explain why they are wrong. You can’t measure something with a ruler that is constantly changing in length.**

**[3] 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.**

**Offense**

**Acquisition of property can never be unjust – to create rights violations, there must already be an owner of the property being violated, but that presupposes its appropriation by another entity.**

**Feser 1**, (Edward Feser, 1-1-2005, accessed on 12-15-2021, Cambridge University Press, "THERE IS NO SUCH THING AS AN UNJUST INITIAL ACQUISITION | Social Philosophy and Policy | Cambridge Core", Edward C. Feser is an American philosopher. He is an Associate Professor of Philosophy at Pasadena City College in Pasadena, California. [https://www.cambridge.org/core/journals/social-philosophy-and-policy/article/abs/there-is-no-such-thing-as-an-unjust-initial-acquisition/5C744D6D5C525E711EC75F75BF7109D1)[brackets](https://www.cambridge.org/core/journals/social-philosophy-and-policy/article/abs/there-is-no-such-thing-as-an-unjust-initial-acquisition/5C744D6D5C525E711EC75F75BF7109D1)%5bbrackets) for gen lang]//phs st

There is a serious difficulty with this criticism of Nozick, however. It is just this: **There is no such thing as an unjust initial acquisition of resources;** therefore**, there is no case** to be made **for** redistributive taxation on the basis of **alleged injustices in initial acquisition.** This is, to be sure, a bold claim. Moreover, in making it, I contradict not only Nozick’s critics, but Nozick himself, who clearly thinks it is at least possible for there to be injustices in acquisition, whether or not there have in fact been any (or, more realistically, whether or not there have been enough such injustices to justify continual redistributive taxation for the purposes of rectifying them). But here is a case where Nozick has, I think, been too generous to the other side. Rather than attempt —unsatisfactorily, in the view of his critics—to meet the challenge to show that initial acquisition has not in general been unjust, he ought instead to have insisted that **there is no such challenge to be met in the first place.** Giving what I shall call “the basic argument” for this audacious claim will be the task of Section II of this essay. The argument is, I think, compelling, but by itself it leaves unexplained some widespread intu- itions to the effect that certain specific instances of initial acquisition are unjust and call forth as their remedy the application of a Lockean proviso, or are otherwise problematic. (A “Lockean proviso,” of course, is one that forbids initial acquisitions of resources when these acquisitions do not leave “enough and as good” in common for others.) Thus, Section III focuses on various considerations that tend to show how those intuitions are best explained in a way consistent with the argument of Section II. Section IV completes the task of accounting for the intuitions in question by considering how the thesis of self-ownership itself bears on the acqui- sition and use of property. Section V shows how the results of the previ- ous sections add up to a more satisfying defense of Nozickian property rights than the one given by Nozick himself, and considers some of the implications of this revised conception of initial acquisition for our under- standing of Nozick’s principles of transfer and rectification. II. The Basic Argument **The reason there is no such thing as an unjust initial acquisition of resources is that there is no such thing as either a just or an unjust initial acquisition of resources.** The concept of **justice**, that is to say, simply does not apply to initial acquisition. It **applies only after initial acquisition has already taken place.** In particular, **it applies only to transfers of property** (and derivatively, to the rectification of injustices in transfer). This, it seems to me, is a clear implication of the assumption (rightly) made by Nozick that **external resources are initially unowned.** Consider the following example. **Suppose an individual A seeks** to acquire **some previously unowned resource R. For** it **to be the case that A commits an injustice in acquiring R, it would also have to be the case that there is some individual B** (or perhaps a group of individuals) **against whom A commits the injustice. But for B to have been wronged by A’s acquisi- tion of R, B would have to have** had a rightful claim over R, **a right to R.** By hypothesis, **however, B did not have a right to R, because** no one had a right to it—**it was unowned**, after all. **So B was not wronged and could not have been**. In fact, **the** very **first person who could conceivably be wronged by anyone’s use of R would be**, not B, but **A himself,** since A is the first one to own R. **Such a wrong would in the nature of the case be an injustice in transfer**—in unjustly taking from A what is rightfully his—**not in initial acquisition. The same thing**, by extension, **will be true of all unowned resources**: it is only after some- one has initially acquired them that anyone could unjustly come to possess them, via unjust transfer. **It is impossible,** then, **for there to be any injustices in initial acquisition**.7

**To own yourself and use your own freedom is to be able to interact with external objects. Anything else makes you unable to exercise your own freedom on other things and creates a contradiction.**

**Feser 2**, (Edward Feser, 1-1-2005, accessed on 12-15-2021, Cambridge University Press, "THERE IS NO SUCH THING AS AN UNJUST INITIAL ACQUISITION | Social Philosophy and Policy | Cambridge Core", Edward C. Feser is an American philosopher. He is an Associate Professor of Philosophy at Pasadena City College in Pasadena, California. [https://www.cambridge.org/core/journals/social-philosophy-and-policy/article/abs/there-is-no-such-thing-as-an-unjust-initial-acquisition/5C744D6D5C525E711EC75F75BF7109D1)[brackets](https://www.cambridge.org/core/journals/social-philosophy-and-policy/article/abs/there-is-no-such-thing-as-an-unjust-initial-acquisition/5C744D6D5C525E711EC75F75BF7109D1)%5bbrackets) for gen lang]//phs st

There is. **An alternative, soft-line approach could acknowledge that the initial acquirer who abuses a monopoly over a water hole** (or any similar crucial resource) **does commit an injustice against those who are disad- vantaged, but such an approach could still hold that the acquirer never- theless has not committed an injustice in acquisition** —his acquisition was, as I have said, neither just nor unjust. **Nor does he fail to own what he has acquired**; he still cannot be said to have stolen the water from anyone. Rather, **his injustice is an unjust use of what he owns, on a par with the unjust use I make of my self-owned fist when I wield it, unprovoked, to bop you on your self-owned nose.** In what sense does the water-hole owner use his water unjustly, though? He doesn’t try to drown anyone in it, after all— indeed, **the whole problem is that he won’t let anybody near it!** Eric Mack gives us the answer we need in what he has put forward as the **“self-ownership proviso”** (SOP).28 **This is a proviso not** (as the Lock- ean proviso is) **on the initial acquisition of property, but rather on how one can use his property in a way that respects others’ self-ownership rights**. **It is motivated by consideration of the fact that the talents, abilities, capac- ities, energies,** etc., **that a person rightfully possesses as a self-owner are inherently “world-interactive”;** that is, it is of **their very essence that they are directed toward the extra-personal environment**.29 **Your capacity to use your hand, for instance, is just a capacity to grasp and manipulate external objects;** thus, **what you own in owning your hand is something essentially grasping** and manipulating.30 Now if someone were to cut off your hand or invasively keep you from using it (by tying your arm against your body or holding it behind your back), he would obviously be violating your self-ownership rights. But **there are**, Mack suggests, **other, noninvasive ways in which those rights might be violated. If**, to use an example of Mack’s, **I effectively nullify your ability to use your hand by creating a device that causes anything you reach for to be propelled beyond your grasp,** making it impossible for you ever to grasp or manip- ulate anything, **I have violated your right to your hand** as much as if I had cut it off or tied it down. I have, in any case, prevented your right to your hand from being anything more than a formal right, one that is practically useless. In the interests of guaranteeing respect for substantive, robust rights of self-ownership, then, **“[t]he SOP requires that persons not deploy their legitimate holdings**, i.e., their extra-personal property, **in ways that severely**, albeit noninvasively, **disable any person’s world-interactive powers.”** 31 **The SOP follows**, in Mack’s view, **from the thesis of self-ownership itself**; or, at any rate, the considerations that would lead anyone to accept that thesis should also, in his view, lead one to accept the proviso.32 A brief summary of a few of Mack’s thought experiments should suffice to give a sense of why this is so.33 In what Mack calls the Adam’s Island example, Adam acquires a previously uninhabited island and later refuses a shipwrecked Zelda permission to come ashore, as a result of which she remains struggling at sea (and presumably drowns). In the Paternalist Caging example, instead of drowning, Zelda becomes caught offshore in a cage Adam has constructed for catching large sea mammals, and, rather than releasing her, Adam keeps her in the cage and feeds her regularly. In the Knuckle-Scraper Barrier example, Zelda falls asleep on some unowned ground, whereupon a gang of oafish louts encircles her and, using their bodies and arms as barriers, refuses to let her out of the circle (accusing her of assault if she touches them in order to climb over or break through). In the Disabling Property Barrier example, instead of a human barrier, Adam constructs a plastic shield over and around the unowned plot of ground upon which Zelda sleeps, accusing her of trespassing upon his property when she awakens and tries to escape by breaking through the plastic. And in the (similarly named) Disabling Property Barriers example, seem to suggest an Aristotelian-Thomistic conception of natural function, and though this by no means troubles me, it might not be what Mack himself has in mind (nor, of course, is it something every philosopher is going to sympathize with). Mack’s view nevertheless seems to require something like this conception. And something like it —enough like it to do the job Mack needs to be done, anyway—is arguably to be found in Larry Wright’s well- known reconstruction, in modern Darwinian terms, of the traditional notion of natural function. See Larry Wright, “Functions,” Philosophical Review 82, no. 2 (1973): 139–68. Adam, instead of enclosing Zelda in a plastic barrier, encloses in plastic barriers every external object that Zelda would otherwise be able to use — thus, in effect, enclosing her in a larger, all-encompassing plastic barrier of a more eccentric shape. In all of these cases, Mack says, although Zelda’s formal rights of self-ownership have not been violated—no one has invaded the area enclosed by the surface of her skin —her rights over her self-owned powers, and in particular her ability to exercise those powers, have nevertheless been nullified. But a plausible self-ownership- based theory surely cannot allow for this. It cannot, for instance, allow the innocent Zelda justly to be imprisoned in any of the ways described! If Mack is right, then it seems we have, in the SOP, grounds for holding that a water-hole monopolist would indeed be committing an injustice against anyone he refuses water to, or to whom he charges exorbitant prices for access. The injustice would be a straightforward violation of a person’s rights to self-ownership, a case of nullifying a person’s self- owned powers in a way analogous to Adam’s or the knuckle-scrapers’ nullification of Zelda’s self-owned powers. It would not be an injustice in initial acquisition, however. The water-hole monopolist still owns the water hole as much as he ever did; he just cannot use it in a way that violates other individuals’ self-ownership rights (either by drowning them in it or by nullifying their self-owned powers by denying them access to it when there is no alternative way for them to gain access to the water necessary for the use of their self-owned powers). Is Mack right? The hard-liner might dig in his heels and insist that none of Mack’s examples amount to self-ownership-violating injustices; instead, they are merely subtle but straightforward property rights violations or cases of moral failings of various other sorts (cruelty, selfishness, etc.). The Adam’s Island case, for starters, is roughly analogous to the example of the water-hole monopolist, so that it arguably cannot give any non-question- begging support to the SOP, if the SOP is then supposed to show that the water-hole example involves an injustice. The Disabling Property Barriers case might also be viewed as unable to provide any non-question-begging support, since Adam’s encasing everything in plastic might plausibly be interpreted as his acquiring everything, in which case we are back to a water-hole-type monopoly example. The Knuckle-Scraper Barrier and Dis- abling Property Barrier examples might be explained by saying that in falling asleep on the unowned plot of land, Zelda in effect has come (at least temporarily) to acquire it, and (by virtue of walking) to acquire also the path she took to get to it, so that the knuckle-scrapers and Adam violate her property rights (not her self-ownership rights) in not allowing her to escape. The Paternalist Caging example can perhaps be explained by arguing that in building the cage, Adam has acquired the water route leading to it, so that in swimming this route (and thus getting caught in the cage) Zelda has violated his property rights and, therefore, can justly be caged. Accordingly, the hard-liner might insist, we can explain all of these examples in a hard-line way and thus avoid commitment to the SOP. Such a hard-line response would be ingenious (well, maybe), but still, I think, ultimately doomed to failure. Can the Paternalist Caging example, to start with, plausibly be explained away in the manner that I have suggested? Does Adam commit no injustice against Zelda even if he never lets her out? It will not do to write this off merely as a case of excessive punishment (explaining the injustice of which would presumably not require commitment to the SOP). For suppose Adam says, after a mere five minutes of confinement, “I’m no longer punishing you; you’ve paid your debt and are free to go, as far as I’m concerned. But I’m not going to bother exerting the effort to let you out. I never forced you to get in the cage, after all —you did it on your own —and you have no right to the use of my self-owned cage-opening powers to fix your mistake! So teleport out, if you can. Or get someone else —if you can find someone —to let you out.” Adam would be neither violating Zelda’s rights to external property nor excessively punishing her in this case; nor would he be invasively vio- lating her self-ownership rights. But wouldn’t he still be committing an injustice, however noninvasively? Don’t we need something like the SOP to explain why this is so? The barrier examples, for their part, do not require Zelda’s walking and falling asleep on virgin territory, which thus (arguably) becomes her prop- erty. We can, to appeal to the sort of science-fiction scenario beloved of philosophers, imagine instead a bizarre chance disruption of the structure of space-time that teleports Zelda into Adam’s plastic shell or into the midst of the knuckle-scrapers. There is no question now of their violating her property rights; yet don’t they still commit an injustice by nullifying her self-owned powers in refusing to allow her to exit? Consider a parallel example concerning property ownership itself. If your prized $50,000 copy of Captain America Comics number 1, due to another rupture in space-time or just to a particularly strong wind that blows it out of your hands and through my window, suddenly appears on the floor of my living room, do I have the right to refuse to bring it back out to you or to allow you to come in and get it? Suppose I attempt to justify my refusal by saying, “I won’t touch it, and you’re free to have it back if you can arrange another space-time rupture or gust of wind. But I refuse to exert my self-owned powers to bring it out to you, or to allow you on my property to get it. I never asked for it to appear in my living room, after all!” Would anyone accept this justification? Doesn’t your property right in the comic book require me to give it back to you? The hard-liner might suggest that this example transports the SOP advocate out of the frying pan and into the fire. For if the SOP is true, wouldn’t we also have to commit ourselves to a “property-ownership proviso” (POP) that requires us not to nullify anyone’s ability to use his external private property in a way consistent with its “world-interactive powers”? If I build a miniature submarine in my garage, and you have the only swimming pool within one thousand miles, must you allow me the use of your pool lest you nullify my ability to use the sub? If (to take an example of Cohen’s cited by Mack) I own a corkscrew, must I be provided with wine bottles to open lest the corkscrew sadly fail to fulfill its full potential?34 Mack’s response to this line of thought seems basically to amount to a bit of backpedaling on the claim that his proviso really follows from the notion of self-ownership per se —so as to avoid the conclusion that a (rather unlibertarian and presumably redistributionist) POP would also, in par- allel fashion, follow from the concept of property ownership. His response seems, instead, to emphasize the idea that the considerations favoring self-ownership also favor, via an independent line of reasoning, the SOP.35 In my view, however, a better response would be one that took note of some relevant disanalogies between property in oneself and property in external things. Note first that the self-owned world-interactive powers, the possible use of which the SOP is intended to guarantee, are possessed by a living being who is undergoing development, which involves passing through various stages; therefore, these powers are ones that flourish with use and atrophy or even disappear with disuse.36 **To nullify these powers even for a limited time**, then, **is** (very often at least) **not merely temporarily to inconvenience their owner, but, rather, to** **bring about a permanent reduc- tion or even disablement of these powers.** By contrast, a submarine (or a corkscrew) retains its powers even when left indefinitely in a garage (or a drawer). **This difference in the effect that nullification has on self-owned powers versus extra-personal property plausibly justifies a difference in our judgments concerning the acceptability**, from the point of view of justice, of such nullification in the two cases; that is, it justifies adoption of the SOP but not of the POP.37 Second, there is an element of choice (and in particular, of voluntary acquisition) where extra-personal property is concerned that is morally relevant here. **One’s self-owned powers, along with the SOP-guaranteed right to the non-nullification of those powers, are not something one chooses or acquires; one just has them** —indeed, to a great degree one just is the constellation of those powers, abilities, etc.—**and owns them fully. By contrast, extra-personal property is something one chooses to acquire or not to acquire,** and as we have seen, one always acquires property rights in various degrees, from partial to full ownership—and this would include the rights guaranteed by a POP. **If one chooses to acquire a corkscrew under conditions where wine bottles are unavailable, or are even likely at some point to become unavailable, one can hardly blame others if one finds oneself bottle-less**. To fail to acquire POP-like rights regarding the corkscrew (by, say, contracting with someone else to provide one with wine bottles in perpetuity) is not the same thing as to have those rights and then have them violated. **Someone who buys a corkscrew and then finds that he cannot use it is like the person who acquires only partial property rights in a water hole that others have already acquired partial use rights over. He cannot complain that his co-owners have violated his rights; he never acquired those other rights in the first place.** Similarly, the corkscrew owner cannot complain that he has no bottles to open; he never acquired the right to those bottles, only to the corkscrew. If full ownership of a corkscrew requires POP-like rights over it, then all that follows is that corkscrew owners who lack bottles are not full owners of their corkscrews.

# AC

## Framing

**NC framing fits the resolutional discussion of justice – justice is a moral aspect that deals with what we owe to each other, and under Kant, one acts justly if they fulfil their obligation to not violate the categorical imperative.**

**Consequences fail:**

**1] They only judge actions after they occur, which fails to guide decision making as it’s retrospective in nature.**

**2] Every action has infinite stemming consequences, because every consequence can cause another consequence. Probability doesn’t solve because probability is improvable, as it relies on inductive knowledge, but induction from past events can’t lead to deduction of future events**

**3] Every action is infinitely divisible, only intents unify action because we intend to achieve the end point of an action – but consequences cannot determine what particular step of action is moral or not.**

**4] If you’re held responsible for things other than an intention, ethics aren’t binding because there are infinite events occurring stemming from one decision over which you have no control, so you could never be moral.**

**5] You can’t aggregate consequences – ten headaches don’t equal a migraine. Still links because the consequences they are looking for are well-being based, but just in relation to the least advantaged**

**On the Prefer additionally:**

**1] inclusion doesn’t mean prefer structural violence – it just means that everyone needs to be able to use the framework fairly and equally, which Kant also fulfils**

**2] good is good, regardless of a) the consequences and b) who uses it. – there is no one who “needs” morality more than another person. We are all moral agents within the universal sphere and therefore all require the same access.**

**3] Real world consequences can be solved by universal moral theories, but not the other way around – you need universality first in order to have the ability to engage in real world action.**

**1NC – First Advantage**

**Their Gammon Evidence**

* Even if it is destructive, you are still allowing the governments to do this which means you do not do anything for the environment in the long term
* We are already past the breaking point from climate change, meaning that this will not do anything and there is no reason to vote affirmative here
* If we remove private companies from doing space things, it will just be filled in from the bigger governments who all of the workers of the private companies will go to meaning that it will still just happen, especially on a larger scale since they will have more money to work with

**1NC – Second Advantage**

**Their Smiles Ev**

* This card is not about private companies, but that governments mining on indigenous land, which means this entire contention does not even flow affirmative

### 1NC – Third Contention

Just because there is no current legislation doesn’t mean it is bad:

1] they never give an impact for this so it’s not a reason you can affirm because it doesn’t like to their framing

2] people starting to drive cars isn’t immoral because there is no traffic laws. In fact it’s the opposite – the start of an action creates the necessity for laws to be created, meaning those regulations would be created in the world of the NC due to their necessity.