# The Bigass Kant Aff File

## AT – CPs

### 1AR – AT – State Expansion

#### [1] Public property acquisition faces the same problem as private.

Ripstein (Arthur Ripstein, Arthur Ripstein is a Canadian philosopher and Professor of Law and Philosophy and University Professor at the University of Toronto where he is Howard Beck QC Chair in law., 10-15-2009, accessed on 2-19-2022, Hup.harvard, "Force and Freedom — Arthur Ripstein", <https://www.hup.harvard.edu/catalog.php?isbn=9780674035065>) //phs st

The public law in disguise model is also sometimes put forward not as a claim about ordinary concepts of property, but rather as a claim about the entitlement of society as a whole to make decisions about the appropriate allocation of resources. From Kant’s perspective, this suggestion does not even manage to be an alternative to his conception of private property. The power of the state to allocate land and chattels based on its priorities, and to determine the ways and terms on which they can be used, is a large-scale version of a property right. As Kant remarks against Grotius’s claim that private property originates in a past agreement to divide up communal property, any such primitive community is not just a fiction but presupposes the very thing that needs to be explained. The concept of communal property would “have to be one that was instituted and arose from a contract whereby everyone gave up private possessions.”6 Otherwise the community would not be an owner, but would just be a usurper, with no power to divide “its” assets. Thus collective property raises the same questions as the theory of private property: why does this person or group have the power to decide, and limit the ability of private persons to use things in pursuit of their purposes? Those questions in turn resolve into the two issues that Kant’s theory of property addresses: What powers does a person or group have in owning a thing? How can something that is not already owned come to be owned? Kant’s specific way of rejecting the public law in disguise model does not commit him to accepting the broadly Lockean position that is often held out as the only alternative. Against that model, he rejects the aspect of property that Lockean theories suppose to make it prepolitical, namely its acquisition. The core of his argument, which will be considered in detail in Chapter 6, is that a purely unilateral act of acquisition can only restrict the choice of all other persons against the background of an omnilateral authorization, which is possible only in a condition of public right. This point is central to Kant’s entire political philosophy, because it shows that what Lockean theories regard as the most straightforward private act presupposes a complete account of the nature of public, political authority. If property rights are only “provisional” outside of a rightful condition, it also follows that they are not enforceable. The act of acquiring a piece of property is something that one person does on his or her own initiative, which changes the normative situation of others. Acts that were formerly permissible are now forbidden: if you acquire a piece of land, I can no longer use or interfere with it. Whether the act of acquisition places those others under an obligation or only a presumptive obligation, or simply authorizes the appropriator to exclude others from the thing acquired, it is a unilateral act through which one person changes the normative situation of another. As such, the acquisition of property presupposes an account of political authority, of how a merely permissible act can impose a normative constraint on someone other than the agent. The focus of this chapter is not on the role of the state, but rather on the structure of property: the ways in which one person’s property right constrains the conduct of others. All of this can be understood without reference to an omnilateral authorization. So, too, can the part of the theory of acquisition that can be characterized in a “state of nature,” without reference to any political institutions. Kant’s strategy is to first explain what it is to have a property right in a thing. His subsequent account of what it is to acquire property is simple and even boring, because it is the answer to a very simple question: how can something that is previously unowned make it into a system of property rights? The simple question gets a simple answer: an object becomes subject to somebody’s choice when that person takes control of it. The nature of a property right is structured by the basic requirement of a system of equal freedom in a world in which free persons can use things other than their bodies to set and pursue their purposes. That is why, as we saw in the previous chapter, property rights constrain others in ways parallel to the way rights to your own person constrain others. Your body is your person, and it constrains others because it is that through which you act, your capacity to set and pursue purposes, and any interference with your body interferes with that capacity. Your property constrains others because it comprises the external means that you use in setting and pursuing purposes; if someone interferes with your property, he thereby interferes with your purposiveness. The same point can be made through the distinction, from Chapter 2, between a person’s means and the context in which that person uses them. A changed context raises no issues of right, because it is the inevitable result of people’s exercise of their freedom. A system of property is a system in which persons have rights to means others than their bodily powers, and others may not change those means or their availability. If you could not have a right to something in your absence, everything except your bodily powers would be mere context, subject to the choice of others.

#### [2] Appropriation refers to initial acquisition – double bind – either the state dividing it up among private entities relinquishes exclusive control so private appropriation is impossible or the state gives up its rights so there's no governance

#### [3] Consequences fail – we can’t know whether the counterplan will work so it’s safe to presume aff.

### 2AR – AT – State Expansion

#### Extend the Ripstein card – the counterplan is also unjust because there is ZERO difference between what they are doing and the fundamental act of private appropriation being unjust. When a public group goes into space, this shouldn’t be viewed as just “public appropriation” but rather a large-scale use of property rights. This still faces the same questions as private appropriation does – why does this one public group get to decide how people use property? The very act of the state expanding to outer space would still impose an obligation on other people to follow certain contracts and obligations, making public appropriation of space also unjust. Read our evidence after round – it’s very good on explaining this.

#### The counterplan proves that public appropriation is just, not that private appropriation is unjust. By having a PUBLIC state go into space and claim land, that is an example of public appropriation, even if it divides land up among private entities later. Appropriation refers to the initial acquisition of an unowned resource – for the state to have exclusive control over something, it either cannot divide it among private entities because it would no longer control that property fully, or it would give up exclusive control over that property, making it so that there is no state governing that specific property anymore and returning us to the state of nature.

## AT – General Warrants

### AT – Contracts

#### The aff comes before contracts –

#### We determine whether those contracts are legitimate – if we win that rights violations arise from claiming property, these contracts are illegitimate and would cause coercion. For example, if I promise you to murder someone, that contract is illegitimate because it would result in a freedom violation.

### AT – Private Entities Exploration/Contradiction

#### Private entity exploration doesn’t negate –

#### [1] My offense is a prior question – it determines whether these property rights are even legit in the first place.

#### [2] Is-ought fallacy – all of their offense says that people want to explore space but that doesn’t mean it’s good e.g. I can have a strong desire to murder but that doesn’t mean I should be allowed to.

#### [3] Private entities can use their property rights but just not when it violates the rights of others and there is no state to enforce them – property cannot be legitimately split if there is no state because it would create a contradiction. People possessing freedom, for example, doesn’t give them the right to murder others.

### AT – Property Rights Key

#### Property rights aren’t key –

#### [1] We aren’t saying that people can’t have property rights at all – people can exercise their freedom by using property, but a state has to exist first.

#### [2] These forms of property rights exercise coercion – people can’t have a right to property if that very right would cause coercion just like how I can exercise my bodily autonomy, but I can’t murder people because it would cause rights violations.

### AT – States/Private NUQ

#### Private entities are different from states – they are made of smaller groups of individuals unlike states which are a unification of everyone’s wills. Our model would also say one state appropriating space would be bad – everyone has to be under an omnilateral will.

### AT – Squo Temporary

#### Acquired rights are dependent on the specific circumstances that you acquire them. Even if we can establish property rights in the future using a public state, that doesn’t prove that appropriation is suddenly just. Public appropriation would also face the same problems as private because it would be one governing body deciding how property is appropriated.

## AT – Author Specific

### 1AR – AT – Feser

#### Labor mixing is wrong which answers Feser –

#### [1] Self-ownership affirms – you can have a right to self-ownership, but property rights are a subjective right that need a state to determine what they cover while objective rights like must not murder do not which is explained by the 1AC Stilz evidence.

#### [2] Property rights are a relation between people. For example, when I buy a car the ownership changes but the car itself doesn’t – the only thing that changes is the relation of other people to my property. Their evidence presupposes that the only way to violate someone’s property rights is by taking their property, but my offense says that this isn’t how property rights work given that it is a relation between people because imposing limits on other people can also hinder their freedom.

#### [3] There’s no way to tell when your labor becomes yours – if I pour my juice into the sea, I don’t own the sea even if I mixed my labor with it.

### 2AR – AT – Feser

#### We’ll agree that self-ownership is important, BUT our Stilz evidence draws a line between what self-ownership justifies – even if they win their nc is true, they’re missing the nuances of our framework. There are two types of rights – objective and subjective. Objective rights have to do with your ability to not have your freedom violated while subject rights are on how you can exercise your freedom. Objective rights are like the right not to not be murdered, but subject rights are like the right to ownership because they are subjective – by being born, you are allowed to use property, but you are not entitled to a specific piece of property – e.g. when a baby is born, it is not entitled to a specific apple, but it is allowed to use its hands. Because this is a subjective right, it needs the state to determine what property people can own to exercise their self-ownership without hindering other people’s freedoms. But that collapses to our contention – in space, there is no authority to determine how this happens, so you unjustly create and impose norms on other people.

#### Thus, even if they prove that companies should be allowed to appropriate land, that is only when there is a state to enforce land ownership, so their evidence doesn’t apply to this resolution. And, is ought fallacy – just because people are moving to space right now, doesn’t mean they should.

### AT – Broker

#### [1] My offense is a prior question – it determines whether these property rights are even legit in the first place.

#### [2] Is-ought fallacy – all of their offense says that people want to explore space but that doesn’t mean it’s good e.g. I can have a strong desire to murder but that doesn’t mean I should be allowed to.

#### [3] Private entities can use their property rights but just not when it violates the rights of others and there is no state to enforce them – property cannot be legitimately split if there is no state because it would create a contradiction. People possessing freedom, for example, doesn’t give them the right to murder others.

### AT – Richman 12

#### Richman is wrong –

#### [A] NUQ – appropriation doesn’t always require the sale of spacecraft

#### [B] Banning this is good which is the offense – if I say murder is bad and that prevents gun dealers from selling guns, even if I limit their freedoms that is because they are causing rights violations.

### AT – Simberg/Moon Treaty

#### Moon treaty hasn’t been ratified and isn’t signed by all countries – it can’t form an omnilateral will over everybody – insert the table

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### AT – Waltz

#### Waltz is wrong –

#### [A] This is all consequentialist – none of this is talking about rights violations and assume that realism is true but this is unverifiable if consequences fail

#### [B] Doesn’t justify appropriation of outer space – the aff applies to all private entities and this card is about private. Hindering nations is good if they would hinder other’s rights.