## 1AC – Generic

### Overview 1

#### Interpretation – The negative must concede the affirmative framework or contention level offense.

#### It’s preemptive, you violate by reading turns or defense to my offense and reading an alternative framework.

#### Prefer –

#### 1. Strat skew – A) It’s impossible for the 1AR to win both layers of framing and offense when you can frame me out and read a bunch of turns to the aff making the round impossible in 4min – especially since the 2n can collapse on either the framework or the contention for 6 minutes B) Neg reactivity advantage, aff disclosure, and 1n time allocation means they can craft a perfect 1nc – conceding one layer of substance solves since it gives me weighing recourse and strategic 1ar maneuvers without having to brute force both.

#### 2. Depth of Clash – We pick and choose whether to debate offense or framework and when, which means we have more discussion of each one every round. Depth o/w since reading 1 page of 100 different books is useless and superficial. Breadth is solved across multiple rounds when people choose a different layer in each. And, hijacks solve all your offense since they contest both the framework and the offense, while maintaining the 1ar ability to win substance.

### Overview 2

#### Interp – The negative must grant the aff presumption or permissibility.

#### A violation would be reading both or contesting one in the 2n.

#### Prefer –

#### A) Strat skew – Otherwise it incentivizes the 1n to read multiple NIBs and frontload the 1n with presumption and permissibility offense which is particularly bad since there isn’t a substantive truth to either side it’s a q of how long you can spend on it which means the neg wins substance every round.

#### B) Timeskew – I have to invest major time in the 1ar winning both because 2n flexibility can collapse to either one with a hidden trigger, only having to answer one or do weighing saves me half that time which is key in the 4 min 1ar.

### Framework

#### I value Morality. The meta-ethic is moral non-naturalism.

#### 1. The Naturalistic Fallacy: It is impossible to reduce goodness to an observable property, since the two are fundamentally separate. For example, if we believe an action that produces pleasure is good, it does not logically follow that pleasure and goodness are the same property, since the fact they describe the same thing does not make them the same thing.

#### 2. The Open Question argument: Suppose goodness was synonymous with a observable property like “X”. It is impossible to answer to question “is X good” since either A) X is the exact same thing as good, in which case our answer is the meaningless tautology “good is good” or B) X is not the same as good in which case non-naturalism is true.

#### Only intuitions are consistent with non-naturalism. Lacewing No Date, Michael **Lacewing**, Director of Research and Senior Lecturer in Philosophy at Heythrop College, University of London, Ethical non-naturalism, **No Date**, <http://s3-euw1-ap-pe-ws4-cws-documents.ri-prod.s3.amazonaws.com/9781138793934/A22014/ethical_language/Ethical%20non-naturalism.pdf> ///AHS PB **If moral properties are not natural properties, then how do we discover them**? How do we know what is good? In Mill’s ‘proof’ of utilitarianism, he claims that we cannot prove what is good or not. **To prove a claim is to deduce it from some other claim that we have already established**. Moore agrees. But unlike Mill, he does not think that we can argue inductively from evidence either. **All we can do is consider the truth of the claim**, such as ‘pleasure is good’, itself. **Moore calls such claims ‘intuitions’.** What does this mean? The claim that some truths can be known by rational ‘intuition’ is made by rationalism. But what is an intuition, and how can we tell if it is true? Are we supposed to have some special faculty of moral intuition? Moore leaves these questions open: ‘when I call such propositions Intuitions, I mean merely to assert that they are incapable of proof; I imply nothing whatever as to the manner or origin of our cognition of them’. However, he has already said more than this. He has argued that **these claims are not analytically true. And he has argued that we cannot know them through empirical investigation. So they must be some variety of synthetic a priori knowledge**. He claims that **we know claims about what is good to be true (or false) by considering the claim itself. Intuitions are ‘self-evident’ propositions. A self-evident judgement rests on the ‘evidence’ of its own plausibility, which is grasped directly**. This doesn’t necessarily mean that everyone can immediately see that it is true. ‘Self-evident’ is not the same as ‘obvious’. Our ability to make a self-evident judgement needs to develop first, and we need to consider the issue very carefully and clearly. **Because moral intuitions are not known through the senses, the self-evidence of a moral intuition will be more like the self-evidence of a necessary truth, such as mathematics or claims about what is logically possible, than the self-evidence of a perceptual truth, such as the claim that there is a table in front of me. So, intuitionism does not need to claim that we have a faculty of intuition that ‘detects’ whether something is good or not, a bit like a supernatural sense. Intuitionism is simply a form of ethical non-naturalism that claims that some of our moral judgements are synthetic yet self-evident.**

#### Thus, the standard is consistency with intuitionism.

#### Prefer –

#### 1. Motivation – Intuitions are the foundation of ethical beliefs since they are what we refer to in order to decide whether an ethical principle is acceptable to us, which means that the very nature of intuitions is what constitutes the motivational structure of the individual. That means that A) Intuitions automatically o/w since they are the procedural mechanism by which we determine what is motivational and B) Intuitions are intrinsically motivational since they are the gateway to motivation itself C) No one universal thing can be motivational since what counts as good or intuitive differs between agents.

#### 2. All frameworks collapse to intuitions – the only reason we adopt a moral framework is when it draws a conclusion consistent with our intuitions, for instance if util tells us to kill our mom to save 2 strangers we would not act under util. That also means we use intuitions to determine whether objections are true which makes responses to the framework self-defeating.

#### 3. Intuitions are key to encompassing all other ethical calculus into our decision since we process the consistency of those frameworks with our innate moral values which makes all other frameworks nonunique since we’ve already deliberated their impacts.

#### 4. Parsimony – Straight forward ethical frameworks are more likely to be correct since they require fewer steps in the process of justification. Intuitions always o/w since it is the foundation of ethical judgements which means it is the most simplistic framework and therefor most likely to be correct.

5. Theoretically prefer intuitions – A. Critical thinking – Intuitions merely require the use of arguments for initial intellectual appearances which forces debaters to actually engage in the process of the framework as they think of how to respond to it, proves strongest IL to phil ed B. Small schools – It only requires analytic arguments which prevents an advantage for large programs C. Ground – All other frameworks substantively provide an advantage to either side but you can argue anything can be intuitive and weigh between consequences and intents which means its most reciprocal and allows for the maximum amount of ground.

#### 6. Bindingness: Linguistic analysis of moral statements fails to create normative claims

Sula 11 - Christopher Alen Sula, The Graduate Center, City University of New York, 2011 “Moral Mental States: Four Methods in Metaethics” [https://academicworks.cuny.edu/cgi/viewcontent.cgi?article=2514&context=gc\_etds] Accessed 4/19/21 SAO

For the present, we may take away the more banal point that the intentional content of statements is roughly equivalent to the intentional mental states that they express. Saying that it’s raining expresses my thought that it’s raining, thanking someone expresses my gratitude, telling someone that rain is likely expresses my expectation that it will rain, and so on. As David Rosenthal puts it, “Every sincere speech act expresses an intentional state with the same content, or nearly the same, as the speech act and a mental attitude that corresponds to the speech act’s illocutionary force” (2005, 264). My statement, “It’s raining,” expresses my belief that it’s raining with an assertoric force that corresponds to my men attitude of believing, and similarly for other states. When I say, “I doubt if it’s raining,” I express an intentional state with the mental attitude of doubting and a content involving the state of the weather. Expressions have “nearly” the same content as the intentional states they express because it is always possible that one’s **mental states outstrip one’s vocabulary**, or that one misuses one or more words in attempting to express a mental state, or that the meaning of terms varies ever so slightly, even for speakers of the same language. As Quine (1969) pointed out radical translation begins at home. This point suggests that one method for investigating the intentional content of moral mental states is investigating the intentional content of moral statements. While this strategy has a long and central history in metaethics, it is also possible that authors have been too preoccupied with the syntax and semantics of English-language moral statements**. Very crude ordinary-language analysis fails to account for the fact that moral terms in some languages may be more or less fine-grained** in the sense that they may not fully capture the intentional content of speaker’s thoughts. Some languages have richer resources for expressing wishes or commands in ways that might make moral statements appear less descriptive than they do in others.16 The “English-language fallacy,” as one might call it, would be drawing faulty conclusions about the nature of mental states from syntactic and semantic features of expressions of those states in the particular language of English. Though expressions may be our best source of information about intentional states, we should be cautious about just how much we can conclude from them.

Impact calc: 1. There is a distinction between procedural and substantive intuitions – procedural always comes first since it determines the subject’s ability to access and express those intuitions in the first place. Winning that substantive intuition is incoherent affirms since it’s impossible to condemn any particular intuition which makes the aff a legitimate one. 2. Weighing practices is incoherent because it relies on an assessment of ends, which relies on a further assessment. A practice that negates is not contradictory to a practice that affirms, and thus proving my end affirms is sufficient. So, proving the converse of the resolution is not sufficient to disprove the resolution’s truth. And, this is also true of obligations since an obligation existing doesn’t mean that there can’t be a stronger obligation to do something else, as an obligation is a locus of moral duty and there can always be different obligations, particularly allowing for individual meaning creation is inherently good regardless of the content of index. I think the aff is amazing and super cool so here is my framing mechanism 3. Intentions First – A) Action theory: Actions are defined by their aims so you can’t evaluate action absent the intent. The aim acts as a unifier e.g. to drink, I must raise the glass and then swallow, which then have different constituent parts, making actions infinitely divisible. The only way to judge the topical action is by looking to intent B) Normativity: Only intent-based ethics are normative because if you’re held responsible for things you don’t intend, then there’s no reason to be moral because you can’t help your actions being immoral, because you’re held responsible for unintended effects. This controls the link to ethics because otherwise there’s no reason to follow morality and ethics are circular C) Psychology – Agents intuitively prefer intent. Botti et al 09, Botti, Simona, Kristina Orfali, and Sheena S. Iyengar. "Tragic Choices: Autonomy and Emotional Responses to Medical Decisions." *J Consum Res Journal of Consumer Research* 36.3 (2009): 337-52. 2009. Web. Specifically, we study how making a tragic choice, versus having the same tragic choice externally made, affects individuals’ desire for autonomy and their emotional reactions to the same decision outcome. Prior research has shown that the sense of agency and internal locus of control associated with the act of choosing lead to perceptions of personal causality, whereas the imposition of a choice is removed from the idea of personal causality because it presupposes an external, rather than internal, locus of control (Brehm 1966; deCharms 1968; Deci and Ryan 1985; Langer 1975; Seligman 1975; Taylor and Brown 1988). Stronger causal ascriptions, in turn, have been found to magnify the intensity of emotional responses to an event, so that perceptions of personal causation intensify positive affect from desirable outcomes but also enhance negative affect from undesirable outcomes (Gilovich, Medvec, and Chen 1995; Landman 1987; Ritov and Baron 1995; Weiner 1986). Thus, we hypothesize that a decision outcome following a tragic choice will generate more extreme negative emotions when it is personally chosen because of a greater sense of causality; in contrast, when the same tragic choice is externally determined, negative emotions will be lessened by the per- ceived absence of a causal link with the aversive experience. Yet the torments of making tragic choices do not necessarily reduce people’s desire for autonomy. Prior research has shown that consumers confronted with choices that detrimentally affect their well-being still prefer making these choices themselves rather than having the same choices made for them by somebody else (Botti and Iyengar 2004; Botti and McGill 2006). This desire for choice in spite of its negative consequences can be attributed to consumers’ belief that they will maximize subjective utility by selecting the option that best matches personal preferences (Hotelling 1929). Even when individuals are unaware of their preferences, choosing activates a psychological immune system that facilitates preference matching by subjectively bolstering the value of a personally selected outcome (Gilbert et al. 1998). Through subjective bolstering decision makers are able to reduce the emotional discomfort of decisions that may not be consistent with individual preferences by con- vincing themselves and others that they had chosen the best- matching option (Brehm 1966; Festinger 1957; Shafir et al. 1993).

### Contention

#### I contend the private appropriation of space is unjust –

#### 1. Appropriation of outer space is a violation of another intuitive agent – A) Self-legislation – the ability to self-legislate makes an object capable of intrinsic value absent the context of another entity since it can set forth its own path and assign its own values upon objects given its own ends. The universe is intrinsically self-legislating due to regress – there’s nothing external to the universe itself to imbue upon it some kind of value, which means it must govern itself even if we don’t understand how or why B) Emergence – Consciousness is not a composite sum of parts, but a non-natural emergence given a specific structure – that means pointing out individual instances of things within the universe that don’t carry consciousness as a property doesn’t prove the universe as a whole doesn’t carry this property C) Explanatory Power – Only a theory of the universe as conscious can explain the origin of ethical intuitions since our intuitions are indexed to a sense of good that we did not create, but exists outside of ourselves that we discover. That implicitly proves we are endowed with this sense from the universe since it created us with the ability to sense what it defines as good, which also tautologically proves that we cannot violate the universe, since a system would never design an agent with the purpose of harming itself D) Tononi’s theory, confirmed by multiple studies, proves the universe has consciousness and it implies moral standing. Crookes 22, Crookes, David. "Can Our Brains Help Prove The Universe Is Conscious?". *Space.Com*, 2022, <https://www.space.com/is-the-universe-conscious>. //Scopa Tononi's theory of Integrated Information Theory (IIT), published in the journal BMC Neuroscience, is one of a small class of promising models of consciousness. “IIT is a very mathematical theory,” Kleiner said. IIT says consciousness is a fundamental aspect of reality; that it exists and is structured, specific, unified and definite. A core idea suggests consciousness will emerge when information moves between the subsystems of an overall system: to be conscious, an entity has to be single and integrated and must possess a property called "phi" which is dependent on the interdependence of the subsystems. In other words, you could have a bunch of coins on your desk, on top of each sits a bunch of neurons. If information which travels along those pathways are crucial for those coins, then you've got a high phi and therefore consciousness. If those coins could operate perfectly well as subsystems without information flowing to and from other coins, then there is no phi and there is no consciousness. The greater the interdependency between subsystems, the more conscious something will be. "Integrated information is an abstract quantity which you can calculate if you have a good detailed description of the system," Kleiner said, adding that the system does not have to be biological. "The result is a number, denoted by phi, so if you have an apple, you can ask how much integrated information is in there, just as you can ask how much energy is in there. You can talk about how much integrated information is in a computer, just like you can talk about entropy." Phi, the symbol used to represent the Integrated Information Theory. Phi, the symbol used to represent the Integrated Information Theory. (Image credit: Wikimedia Commons/ Jossi) IIT backs panpsychism to a great extent because even a proton can possess phi, according to the theory. And just as an apple, thermostat and computer can possess it, so can your chair and your desk all manner of other things across the universe. "When it comes to experimental evidence, there are several independent studies which point at a correlation between integrated information and consciousness," Kleiner said. So do the subsystems have conscious experience? No. Are all systems conscious? No. "The theory consists of a very complicated algorithm that, when applied to a detailed mathematical description of a physical system provides information about whether the system is conscious or not, and what it is conscious of," said Kleiner. "The mathematics is such that if something is conscious according to the theory, then the components which make up that system can't have conscious experiences on their own. Only the whole has conscious experience, not the parts. Applied to your brain, it means that some of your cortex might be conscious but the particles that make up the cortex are not themselves conscious." "If there is an isolated pair of particles floating around somewhere in space, they will have some rudimentary form of consciousness if they interact in the correct way," said Kleiner. So according to IIT, the universe is indeed full of consciousness. But does it have implications for the physical part of the universe? The math of the theory says it does not. A physical system will operate independently, whether it has a conscious experience or not. Kleiner gives a computer as an example, saying that IIT's math shows it may have consciousness but that won't change the way in which it operates. "This is at odds with the metaphysical underpinning of the theory which is strongly idealist in nature,” Kleiner said. "It puts consciousness first and the physical second. We might see some change in the mathematics at some point to take this underpinning more properly into account." This is what his and Tull's study seeks to resolve. Emergentist theories of consciousness tend to claim physics is all there is. The Integrated Information Theory shows that consciousness could be found within the universe. The Integrated Information Theory shows that consciousness could be found within the universe. (Image credit: Getty Images) "They would reject the idea that consciousness is separate from or more primary than the physical and they would say consciousness is nothing but a specific physical phenomenon which emerges from the interaction of the fundamental physical quantities in certain conditions," said Kleiner. His and Tull's math version of IIT, on the other hand, is intended to be what could be called a fundamental theory of consciousness. "It tries to weave consciousness into the fundamental fabric of reality, albeit in a very specific way," said Kleiner. And if it's shown that the universe is conscious, what then? What are the consequences? "There might be moral implications. We tend to treat systems that have conscious experiences different from systems that don't," said Kleiner. Yet if it is proven that consciousness plays a causal role in the universe, it would have huge consequences for the scientific view of the world, said Kleiner. "It could lead to a scientific revolution on a par with the one initiated by Galileo Galilei," he said. And that really is something to bear in mind.

#### 2. Appropriation by corporations places an entity without moral agency in a position to make moral decisions, which is definitionally unjust – A) Obligations can only be formed by agents, since obligations in a vacuum are impossible to enforce, but corporations don’t have a unified intention since it is a collection of agents acting independently and B) Private entities are vested in a collective interest that rationally overrides intuitions through profit incentives – that makes private companies inherently motivated by non-moral considerations.

#### 3. Property rights incoherent/unjustifiable – A) Public Good – Space is intrinsically a public good since every agents on Earth could require its resources and need protection from its threats, which means its unjustifiable to claim ownership in the same way it would be unjustifiable to claim that one private entity can own the property of water B) Appropriation is an act or instance of taking especially illegally or unfairly[[1]](#footnote-1), which makes it tautologically unjust since anything unfair is unjust.

#### 4. Reforming our intuition about nature controls the internal link to resolving existential threats. Christion 19, Christion, Tim. *MOTIVATING COLLECTIVE ACTION IN RESPONSE TO AN EXISTENTIAL THREAT: CRITICAL PHENOMENOLOGY IN A CLIMATE-CHANGING WORLD*. 2019, <https://scholarsbank.uoregon.edu/xmlui/bitstream/handle/1794/24554/Christion_oregon_0171A_12399.pdf?sequence=1&isAllowed=y>. //Scopa In my view, phenomenology is distinctive in the tradition of Western thought as a medium between the disciplined commitment to phenomena motivating scientific investigation and the pursuit of meaningful comprehension motivating philosophical reflection. Arguably, this ambition culminates in the lifeworld concept originally developed by Edmund Husserl. But more importantly for present purposes, confronting the challenges of collectivizing ethical motivation on climate change from a lifeworld perspective affords philosophical entry to the problems identified in the previous chapter. This meso-level approach holds promise as an account of the ways in which the institutions analyzed by Jamieson and Gardiner are intersubjectively embodied by different communities of collective experience. It is precisely at this intersubjective level of collective identity, I submit, that cultural and social institutions find mutual reinforcement in the face of systemic climate change. This is precisely why they function so powerfully as existential barriers to a problem-driven response. In this connection, a lifeworld analysis of the socio-cultural challenges of climate response suggests a kind of existential crisis in the making that, in important respects, seems quite novel on the stage of human history. However, to the extent that the lifeworld concept marks a significant turn from the traditional logic of Western thought confounded by the paradoxes of 135 inaction, it’s important to first introduce Husserl’s phenomenology in some depth as an appropriate philosophical alternative.58 Lifeworld identity and experience, to begin with, is multi-layered. It is sociocultural in historical evolution and intersubjective in comprehension, yet sensitive to structural differences in collective experience and motivation. As such, it can be said that this concept mediates the socio-cultural generality of historical existence and the local specificity of material conditions motivating group and personal experience more concretely. Hence, as I explain in further in the final chapter when bringing in MerleauPonty, the lifeworld expresses something like a background/foreground relation that, depending on context, can be relatively steady (conservative) over time or else evolve quite dynamically. Perhaps the most important point to be made here with respect to the climate issue concerns the normative quality of self-evidence or reification of things in the “foreground” of experience afforded by the “background” of lifeworld existence. It is precisely against the pregiven structures hidden in background that things appear immediately and intuitively obvious to “everybody” in one’s experience, as opposed to the products of conscious reflection or interpretation. This self-evidence is what enables people to live and communicate together in a world of real things, but things that are normatively contextualized according to the socio-cultural institutions affording common meaning to existence more generally. In addition to being multi-layered in structure, lifeworld identity is also multifaceted in expression. That is, the normative background structures of lifeworld 58 Taking the time to offer this philosophical introduction is also important considering the consequential influence Husserl’s lifeworld phenomenology had on Heidegger and especially Merleau-Ponty, who I also rely on to philosophically reformulate the collective action problem on climate change. 136 identity that give experience its pregiven comprehension find expression across multiple domains of everyday life. Husserl, for instance, could analyze perception, consciousness, behavior, thought, etc., as different expressions of a given lifeworld. With respect to spatial perception, for instance, the lifeworld constitutes the unnoticed background against which things show up in experience as noticeable—sensible, meaningful, intelligible. A cube, to take Husserl’s example, is perceived as a three-dimensional whole (against the background of lifeworld experience) even though the physical object itself can only present three of its six facets to the senses at any given time. Considering what Husserl calls “time-consciousness,” moreover, the lifeworld enables one to make sense of situations in the present against a temporal background that connects past experiences to future ideals and possibilities worth striving for. With respect to behavior, the lifeworld is the passive background of habituated predispositions against which intentional activity takes place in response to the contingencies of a given situation. And reflection, to take a final example, takes form against a pre-conceptual background of sensibilities. All things considered, then, it could also be said that these background relations embody the ingrained cultural assumptions and social practices against which people make comprehensive sense of the world and their lives in it. By enabling people to “naturally” make sense of things across multiple domains, the normative coherence and continuity structured by this socio-cultural background makes experience reliable and directs existence smoothly. This lifeworld coherence speaks directly to Heidegger’s (1962) formulation of “being-in-the-world,” and this is precisely what affords the ontological security needed to live with confidence and purpose. 137 With respect to consciousness, there is something like an inverse relation between the immediacy of everyday experience (lived in the “natural attitude”) and the institutionalized background structures that give life this normative quality of selfevidence. In some ways, the more obvious that things are in everyday life, the more concealed are the intersubjective background structures that make this self-evidence possible—and vice-versa. This inverse relation between self-evidence and socio-cultural background assumptions is more noticeable when observed from a distance (as when considering indigenous societies from one’s perspective in industrial society or pondering ancient Pagan or medieval Christian cultures of the distant past from the standpoint of modernity). Now one of the most general structures affording lifeworld coherence/identity in the industrialized world responsible for climate change concerns socio-cultural assumptions about ‘nature’ and the human relationship to it. Indeed, different lifeworld assumptions about nature strongly inform different relations to the world of collective experience more broadly. Hence, from the modern perspective basic to the industrial world, the pre- or non-modern traditions mentioned above may seem obviously “wrong” or inconceivable largely to the extent that they are founded on very different lifeworld assumptions about nature. Speaking quite generally, there’s a sense in which Pagans and indigenous peoples have tended to focus human existence on more organic relations to nature (relations of belonging) while otherworldly Christian traditions have tended to focus human existence on the supernatural realm beyond nature (relations of transcendence). Citizens of the modern secular world of industrialism, by contrast, tend to focus human existence on instrumental relations to nature for the sake of maximizing material production (relations of dominion). Although all three founding lifeworld assumptions about nature and the human relation to it continue to find expression in the industrialized world, the latter relation is certainly the more hegemonic and thus selfevident one (particularly within privileged demographics). In most situations, for example, a detailed and well-researched argument isn’t needed to push “sensible” market-based technological solutions to climate change, but proposals that question economic growth and consumerism would struggle to find an ear regardless of supporting arguments. Arguably, as a background foundation structuring one’s everyday being in the world, this controlling or domineering orientation to nature is at once the lifeworld relation most concealed in self-evidence and the most responsible for systemic problems like climate change. This point, I contend, is essential to understanding climate change as an existential threat to lifeworld identity in the industrialized world responsible for it.

### Contention 2

#### Kant affirms

**Kingdom of Ends – a] Public good – Outer space is a public good that every self-legislating agent needs equal access to; land in space contains necessary elements for survival which means no agent in the kingdom of ends would agree to allow ownership over those goods b] Deliberation – Private entities are incapable of making omnilateral decisions as privatization entails that they withhold information which limits deliberation over making maxims.**

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**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 5 can unilaterally impose Sptheir will on us in their capacity as private employers, but rather any private actor who acts unilaterally while in the garb of the state.

1. https://www.merriam-webster.com/dictionary/appropriation [↑](#footnote-ref-1)