# 1NC vs. Plano Independent JN

## Offs

### Topicality

#### Interpretation: The affirmative may not fiat an action – they may only defend that private appropriation is immoral.

#### Unjust merely implies immorality, Cambridge:

<https://dictionary.cambridge.org/us/dictionary/english/unjust> //LHP AV

**not**[**morally**](https://dictionary.cambridge.org/us/dictionary/english/morally)[**right**](https://dictionary.cambridge.org/us/dictionary/english/right); not [fair](https://dictionary.cambridge.org/us/dictionary/english/fair):

#### Violation: They do (explain)

#### Vote neg:

#### 1] Precision – the resolution doesn’t entail an actor nor does it an action – they are definitionally not topical or even a subset of the resolution – vote them down –

#### A] stasis point – the topic is the only reasonable focal point for debate – anything else destroys the possibility of debate because we will be two ships passing –

#### B] internal link turn – violating semantics justifies the aff talking about whatever with zero neg prep or prediction which is the most unfair and educational –

#### C] Jurisdiction – you can’t vote for them because the ballot and the tournament invitation say to vote for the better debater in the context of the resolution –

#### D] objectivity – only semantics are objective whereas pragmatics are subjective which means intervention

#### 2] Limits – they explode them – they are super Extra T and justify an infinite possible number of affirmatives and different actors – none of which are part of the resolution which means there is no prediction ground. Multiple Impacts – A] Stable Ground – they deck neg preparation ability and impose an infinitely reciprocal research burden on the negative to have to guess the infinite policy options and possible permutations and to cut specific disads to those - B] Predictability – no actor or action means its impossible to have a way to predict affs on this topic which decks quality engagement and education – C] Infinite Abuse – being non-topical justifies picking a trivially true aff which means they always win

#### 3] Independently, non-state fiat a voting issue – guts core circumvention arguments that are key neg ground and prevents education about the intricacies of policymaking

#### 4] TVA – don’t defend an action and use ideal theory to explain why appropriation is bad - That’s better – it promotes in-depth philosophical clash over law that’s constitutive to LD

### NC

#### Only constructing ethics from our rational agency can explain the sources of normativity –

#### A] Bindingness – Any obligation must not only tell us what is good, but why we ought to be good or else agents can reject the value of goodness itself. That means ethics must start with what is constitutive of agents since it traces obligations to features that are intrinsic to being an agent – as an agent you must follow certain rules. Only practical agency is constitutive since agents can use rationality to decide against other values but the act of deciding to reject practical agency engages in it.

#### B] Action theory – every moral analysis requires an action to evaluate, but actions are infinitely divisible into smaller meaningless movements. The act of stealing can be reduced to going to a house, entering, grabbing things, and leaving, all of which are distinct actions without moral value. Only the practical decision to steal ties these actions together to give them any moral value.

#### That justifies universalizability.

#### A] The principle of equality is true since anything else assigns moral value to contingent factors like identity and justifies racism, and the principle of non-contradiction is true since 2+2 can’t equal 4 for me and not for you meaning ethical statements true for one must be true for all.

#### B] Ethics must be defined a priori because of the is ought gap – experience only tells us what is since that’s what we perceive, 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. Applying reason to a priori truth results in universal obligations.

#### Coercion isn’t universalizable—willing your own freedom while violating someone else’s is a conceptual contradiction.

Engstrom [Stephen Engstrom, (Professor of Philosophy @ the University of Pittsburgh) "Universal Legislation as the Form of Practical Knowledge" http://www.academia.edu/4512762/Universal\_Legislation\_As\_the\_Form\_of\_Practical\_Knowledge, DOA:5-5-2018 // WWBW]

Given the preceding considerations, it’s a straightforward matter to see how **a maxim of action that assaults the freedom of others** with a view to furthering one’s own ends results in a contradiction when we attempt to will it as a universal law in accordance with the foregoing account of the formula of universal law. Such a maxim **would lie in a practical judgment that deems it good on the whole to act to limit others’ outer freedom**, and hence their self-sufficiency, their capacity to realize their ends, **where doing so augments, or extends, one’s own outer freedom** and so also one’s own self-sufficiency.  Now on the interpretation we’ve been entertaining, applying the formula of universal law involves considering whether it’s possible for every person—every subject capable of practical judgment—to share the practical judgment asserting the goodness of every person’s acting according to the maxim in question. Thus in the present case the application of the formula involves considering whether it’s possible for every person to deem good every person’s acting to limit others’ freedom, where practicable, with a view to augmenting their own freedom. Since here **all persons are** on the one hand **deeming good both the limitation of others’ freedom and the extension of their own freedom, while** on the other hand, insofar as they agree with the similar judgments of others, **also deeming good the limitation of their own freedom and the extension of others’ freedom, they are all deeming good both the extension and the limitation of both their own and others’ freedom. These judgments are inconsistent** insofar as the extension of a person’s outer freedom is incompatible with the limitation of that same freedom.

#### Prefer –

#### A] performativity – argumentation requires the assumption that freedom is good – else agents would be unable to make arguments

#### B] prerequisite – condoning any action requires condoning the freedom required to take that action – so my theory’s a prerequisite to theirs and my offense acts as a side-constraint to your framework.

#### C] culpability – absent a conception of free will, people can just claim they were acting of desires they can’t control.

#### D] probability – it’s logically contradictory to deny my framework because that would use freedom to do so. Therefore, it’s impossible for my framework to be false

#### The universality of freedom justifies a libertarian state. Otteson 09

Otteson 09 brackets in original James R. Otteson (professor of philosophy and economics at Yeshiva University) “Kantian Individualism and Political Libertarianism” The Independent Review, v. 13, n. 3, Winter 2009

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

#### Thus, the standard is consistency with a libertarian state.

#### Impact calc – Aggregation fails – there is no one for whom aggregate good is good-for. Korsgaard:

Christine Korsgaard, “The Origin of the Good and Our Animal Nature” Harvard, n.d. RE

According to the second view I will consider, hedonism, the good just is pleasurable experience or consciousness and the absence of painful experience or consciousness. What makes a being capable of having a final good is simply that the being is conscious. Otherwise, its good is not relative to its nature. As is often noticed, on this theory it is a real question whether some of the other animals might not have a better life, or at least be capable of having a better life, than human beings, given their apparent enthusiasm for simple and readily available joys. Although I’ll treat it as a separate theory, hedonism, I believe, has an inherent tendency to collapse either into a version of the intrinsic value theory, or into a version of the third view I am about to describe. Obviously, it is possible to regard hedonism simply as a particular instance of the intrinsic value theory, one that singles out conscious experience as the only possible bearer of intrinsic value. But I think this way of looking at hedonism does not do justice to the intuition that has made hedonism seem plausible to so many thinkers, which is precisely the idea that the final good must have an irreducibly subjective or relational element. That is, what makes hedonism seem plausible is precisely the idea that the final good for a sensate being must be something that can be felt or experienced as a good by that being. It is something that can be perceived or experienced as welcome or positive from the being’s own point of view, and that is therefore relative to the being’s own point of view.9 The intrinsic value version of hedonism tries to capture the essentially subjective element of the final good by attaching objective intrinsic value to a subjective experience, but when this move is made the essentially relational or relative character of subjectivity tends to drop out. The goodness of the experience is detached from its goodness for the being who is having the experience, and instead is located in the character of the experience itself. This defect shows up most clearly in utilitarian versions of hedonism, which allow us to add the goodness of pleasant experiences across the boundaries between persons or between animals. There is no subject for whom the total of these aggregated experiences is a good, so the aggregate good has completely lost that relational character: the goods are detached from the beings from whom they are good. This relational element of value, I believe, is better captured by the third theory I am about to describe.

#### Negate –

#### Injustice requires someone wronged, but initial acquisition doesn’t violate any entity’s rights– therefore, private appropriation of outer space cannot be unjust, Feser 05:

Edward Feser, [Associate Professor of Philosophy at Pasadena City College] “THERE IS NO SUCH THING AS AN UNJUST INITIAL ACQUISITION,” 2005 //LHP AV

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

## Case