## R5 NDCA

### 1NC – Framework

#### Ethics begin a priori. Prefer:

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

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

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

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

#### Additionally: Theoretical justifications outweigh –

#### 1] Frameworks are T debates about the word just which proves the better model of debate is what matters.

#### 2] Turns substance – it doesn’t matter how true a philosophy is if it can’t be engaged or is impossible to learn.

#### Prefer non extinction intent-based frameworks

#### 1] Predictability – every individual engages within freedom and when going to school or using public infrastructure which means it’s the one political engagement everyone is aware of.

#### 2] Resource disparities- Our framework ensures big squads don’t have a comparative advantage since debates become about quality of arguments rather than quantity - their model crowds out small schools because they have to prep for every unique advantage under each aff, every counterplan, and every disad with carded responses to each of them

#### 3] Resolvability – other debates create a mess of weighing and link turns, but using the categorical imperative is easily resolvable because it becomes a question of whether or not it violates

#### Constititutivism must be the starting point for ethics—it is the only way for principles to be binding and all external standards collapse to constitutive ones.

Korsgaard 10 [(Christine, Philosophy Professor at Harvard) “The Normative Constitution of Agency,” keynote lecture for the Conference on Collective Intentionality VII: Perspectives on Social Ontology, August 2010, http://www.people.fas.harvard.edu/~korsgaar/CMK.NCA.pdf] TDI

Constitutive standards are important, I claimed above, because they meet skeptical challenges with ease. But the importance of the idea is deeper than that, for I believe—and I know this is more controversial— that the only way to establish the authority of any purported normative principle is to establish that it is constitutive of something to which the person whom it governs is committed— something that she either is doing or has to do. And I think that Kant thought this too. The laws of logic govern our thoughts because if we don’t follow them we just aren’t thinking. Illogical thinking is not merely bad, it is defective, it is bad as thinking. The laws of the understanding govern our beliefs because if we don’t follow them, we just aren’t constructing a representation of an objective world (9.7.5). And as I will argue, the laws of practical reason govern our actions because if we don’t follow them we just aren’t acting, and acting is something that we must do. A constitutive principle for an inescapable activity is unconditionally binding. How could it be otherwise? Constitutive standards have unquestionable authority, while external standards give rise to further questions, and leave space for skeptical doubt. How then can we ever give authority to an external standard, except by tracing its authority back to a constitutive one? Consider again that house that blocks the neighbors’ view of the lake. Why shouldn’t the house-builder build it? For I’m supposing that we all do agree that really, after all, he shouldn’t do it, in spite of the fact that it wouldn’t therefore be a defective house. Well, perhaps he identifies himself as a good neighbor, a citizenly type, and doesn’t need to ask why he shouldn’t build a house that is a blight on the neighborhood. Or perhaps he loves his neighbors, and wouldn’t want to harm them. Or perhaps— to anticipate the success of the views we are working on here—it would be morally wrong to build a house that blocks the view of the neighbors, and so although it might be all very well as a bit of house-building, it would be defective as an action.

#### Agency, or the process of willing ends, is inescapable—even willing not to will is itself an action.

Korsgaard 10 [(Christine, Philosophy Professor at Harvard) “The Normative Constitution of Agency,” keynote lecture for the Conference on Collective Intentionality VII: Perspectives on Social Ontology, August 2010, http://www.people.fas.harvard.edu/~korsgaar/CMK.NCA.pdf] TDI

Human beings are condemned to choice and action. Maybe you think you can avoid it, by resolutely standing still, refusing to act, refusing to move. But it’s no use, for that will be something you have chosen to do, and then you will have acted after all. Choosing not to act makes not acting a kind of action, makes it something that you do. This is not to say that you cannot fail to act. Of course you can. You can fall asleep at the wheel, you can faint dead away, you can be paralyzed with terror, you can be helpless with pain, or grief can turn you to stone. And then you will fail to act. But you can’t undertake to be in those conditions—if you did, you’d be faking, and what’s more, you’d be acting, in a wonderfully double sense of that word.¹ So as long as you’re in charge, so long as nothing happens to derail you, you must act. You have no choice but to choose, and to act on your choice.

#### Particularistic willing is impossible since it collapses the distinction between the agent and the incentives from which the agent acts — this implies that agents must will maxims that are universalizable.

Korsgaard 10 [(Christine, Philosophy Professor at Harvard) “The Normative Constitution of Agency,” keynote lecture for the Conference on Collective Intentionality VII: Perspectives on Social Ontology, August 2010, http://www.people.fas.harvard.edu/~korsgaar/CMK.NCA.pdf] TDI

So particularistic willing is neither a matter of willing a new maxim for each occasion, nor is it a matter of willing a maxim that you might have to change on another occasion. Both of those are compatible with regarding reasons as universal. Instead, particularistic willing would be a matter of willing a maxim for exactly this occasion without taking it to have any other implications of any kind for any other occasion. You will a maxim thinking that you can use it just this once and then so to speak discard it; you don’t even need a reason to change your mind. 4.4.3 I’m going to argue that that sort of willing is impossible. The first step is this: I said before that when you deliberate, when you determine your own causality, it is as if there is something over and above all of your incentives, something which is you, and which chooses which incentive to act on. This means that when you determine yourself to be the cause of the movements which constitute your action, you must identify yourself with the principle of choice on which you act. For instance, suppose you experience a conflict of desire: you have a desire to do both A and B, and they are incompatible. You have some principle that favors A over B, so you exercise this principle, and you choose to do A. In this kind of case, you do not regard yourself as a mere passive spectator to the battle between A and B. You regard the choice as yours, as the product of your own activity, because you regard the principle of choice as expressive, or representative, of yourself—of your own causality. You must do so, for the only alternative to identifying with the principle of choice is regarding the principle of choice as some third thing in you, another force on a par with the incentive to do A and the incentive to do B, which happened to throw in its weight in favor of A, in a battle at which you were, after all, a mere passive spectator. But then you cannot regard yourself as the cause of the movements which constitute your action. Self-determination, then, requires identification with the principle of choice on which you act. The second step is to see that particularistic willing makes it impossible for you to distinguish yourself, your principle of choice, from the various incentives on which you act. Kant thinks that every action involves some incentive or other, for there must always be something that prompted you to consider the action. And in order to will particularistically, you must in each case wholly identify with the incentive of your action. That incentive would be, for the moment, your law, the law that defines your agency or your will. It’s important to see that if you had a particularistic will, you would not identify with the incentive as representative of any sort of type, since if you took it as a representative of a type you would be taking it as universal. For instance, you couldn’t say that you decided to act on the inclination of the moment, because you were so inclined. Someone who takes ‘‘I shall do the things I am inclined to do, simply because I am inclined to do them’’ as his maxim has adopted a universal principle, not a particular one: he has the principle of treating his inclinations as such as reasons.¹⁹ That is the law that defines his causality. A truly particularistic will must embrace the incentive in its full particularity: it, in no way that is further describable, is the law of such a will.²⁰ But this means that particularistic willing eradicates the distinction between a person and the incentives on which he acts. And then there is nothing left here that is the person, the agent, that is his self-determined will as distinct from the play of incentives within him. If you have a particularistic will, you are not one person, but a series, a mere heap, of unrelated impulses. There is no difference between someone who has a particularistic will and someone who has no will at all. Particularistic willing lacks a subject, a person who is the cause of his actions. So particularistic willing isn’t willing at all. 4.4.4 If a particularistic will is impossible, then when you will a maxim you must take it to be universal. If you do not, you are not determining yourself to perform an action, and then you are not willing. To put the point in familiar Kantian terms, we can only attach the ‘‘I will’’ to our choices if we will our maxims as universal laws. The categorical imperative is a constitutive principle of acting, according to Kant, because conformity to it is constitutive of an exercise of the will, of the determination of a person by himself as opposed to his determination by something within him.

#### Thus the standard is acting in accordance with universalizable principles.

#### Prefer additionally:

#### Other frameworks collapse—all moral valuations presuppose the unconditional worth of humanity.

Korsgaard 83 [(Christine, Philosophy Professor at Harvard) “Two Distinctions in Goodness,” Duke University Press The Philosophical Review Vol. 92, No. 2, April 1983, <https://www.jstor.org/stable/2184924>] TDI

The argument shows how Kant’s idea of justification works. It can be read as a kind of regress upon the conditions, starting from an important assumption. The assumption is that when a rational being makes a choice or undertakes an action, he or she supposes the object to be good, and its pursuit to be justified. At least, if there is a categorical imperative there must be objectively good ends, for then there are necessary actions and so necessary ends (G 45-46/427-28; Doctrine of Virtue 43- 44/384-85). In order for there to be any objectively good ends, however, there must be something that is unconditionally good and so can serve as a sufficient condition of their goodness. Kant considers what this might be: it cannot be an object of inclination, for those have only a conditional worth, “for if the inclinations and the needs founded on them did not exist, their object would be without worth” (G 46/428). It cannot be the inclinations themselves because a rational being would rather be free from them. Nor can it be external things, which serve only as means. So, Kant asserts, the unconditionally valuable thing must be “humanity” or “rational nature,” which he defines as the capacity to set an end (G 56/437; DV 51/392). Kant explains that regarding your existence as a rational being as an end in itself is a “subjective principle of human action.” By this I understand him to mean that we must regard ourselves as capable of conferring value upon the objects of our choice, the ends that we set, because we must regard our ends as good. But since “every other rational being thinks of his existence by the same rational ground which holds also for myself” (G 47/429), we must regard others as capable of conferring value by reason of their rational choices and so also as ends in themselves. Treating another as an end in itself thus involves making that person’s ends as far as possible your own (G 49/430). The ends that are chosen by any rational being, possessed of the humanity or rational nature that is fully realized in a good will, take on the status of objective goods. They are not intrinsically valuable, but they are objectively valuable in the sense that every rational being has a reason to promote or realize them. For this reason it is our duty to promote the happiness of others – the ends that they choose – and, in general, to make the highest good our end.

#### This requires that maxims be universal: to make an exception for yourself is to value your own humanity above the humanity of others and thus treat them as mere means.

#### Impact calc: prefer a teleological understanding of contradictions

McCarty 17 [(Richard, Department of Philosophy & Religious Studies, East Carolina University] “The Contradictions,” February 22, 2017, http://myweb.ecu.edu/mccartyr/GW/Contradictions.asp] TDI

Kant’s distinction in Groundwork II between perfect and imperfect duties rests on a distinction between two types of contradiction (Kant 1997, 33/4:424). These have been called “contradiction in conception” and “contradiction in willing.” Controversy remains over how best to understand these contradictions.

Logical and practical contradictions. A logical contradiction refers to an impossible, inconceivable object or circumstance, like a married bachelor. In the Groundwork, Kant can be read as suggesting that maxims of action fail the test of the categorical imperative because their universalization would imply a logical contradiction (see Galvin, 1991). A maxim of owning slaves cannot be universal because this would result in the logical contradiction of every slave’s owning slaves. But not every case of a maxims’ failing the universalization test rests on a contradiction like this. In the example of the lying promise, the expected result of its universalization is that no one will lend money to people in need, which itself is no contradiction. A borrower would nevertheless contradict herself by willing both: (a) that I borrow money on a false promise when I need it; and (b) that everyone borrow money on a false promise when they need it. In willing both (a) and (b) she would will the contradiction that she borrows money when it is impossible for her to do so. But in the view of some commentators, a contradiction like this is better described not as logical but as practical (Korsgaard 1996, 92-101). It is practical because in this example one wills something that makes it impossible to achieve the end of her action. She ends up defeating her own purpose by willing both (a) and (b).

Contradictions in willing. According to Kant, some maxims are impossible to will as universal laws, even though the result of their universalization is conceivable. The clearest example of this is the maxim never to assist others in need. There could be a world in which this maxim functions as a law, Kant says; for a world can exist where no one ever helps anyone else. But it is impossible to will to be a part of it—because then one would will not to have any needed assistance; and it is irrational to will not to have what one needs. So the maxim passes the test of the conceptual possibility of its universalization, but it fails the test of its volitional possibility. Maxims that fail the universalization test in this way are thought to generate imperfect duties. (It is noteworthy that the explanation of the contradiction in willing just given seems to coincide exactly with the explanation given above for the contradiction in the case of the lying promise; although the former example is supposed to present a contradiction in conception, while this one is said to present a contradiction in willing. But see below.)

A unified account of the contradictions. It would be best if the two forms of contradiction that can result from maxims’ failing the universalization test—contradictions in conception and in willing—had something in common; something in virtue of which they are both forms of the same thing: contradiction. The practical interpretation of the contradictions mentioned above offers the advantage of this unification. The logical interpretation does not; or at least so far those who favor reading the contradictions in failing maxims as logical have not been able to explain contradictions in willing. The practical interpretation does better by saying that every maxim failing the universalization test involves some form of the same thing: self-defeatingness. It says that the difference between the two types of contradictions Kant points to is this: in the so-called contradiction-in-willing cases the agent’s end is an end we are supposed to have necessarily, as rational agents; in the contradiction-in-conception cases, the end the agent thwarts by his own action is contingent, or arbitrary. The agent in the example of assisting the needy thwarts his own, necessary end of well-being or happiness in universalizing his maxim. The agent in the lying-promise example thwarts his own, contingent end of getting the money required to get out of his present financial bind. (This therefore addresses the problem raised at the end of the previous section.) The practical-contradiction interpretation also allows that the maxim failing the universalization test may involve a logical contradiction (Korsgaard 1996, 97). But in such cases, that means that the agent’s willing her maxim as a universal law will require her doing something logically contradictory in order to achieve her end, which leads to self-defeat. The slave-owning maxim mentioned above is a good example of this. If the way you choose to accomplish your end requires that every slave own slaves, you will not succeed.

The problem of natural actions. It turns out that both the logical and practical interpretations of the contradictions have a fatal flaw. They are incapable of detecting a contradiction in the universalized maxims of actions, or of ends, in wholly natural situations. These are typically cases involving homicide or bodily harm. Kant’s suicide example presents such a case, and here neither the logical nor practical interpretations can find a contradiction in the maxim’s universalization. Absent from the examples of wholly natural actions that are supposed to fail the universalization test is some kind of convention, practice, or background agreement. Something like this is always required for a logical contradiction’s arising from a universalized maxim, or from a maxim whose universalization results in self-defeat. In a maxim of stealing, for example, the background convention of private property is required in order to get a contradiction from its universalization: if stealing were universal, there would be no convention of property, and then it would not be possible to steal. If everyone lied, there would be no background expectation of learning anything from what anyone says, so no one would listen to anyone, and consequently there would be no speech, and no language, and so no lying. Korsgaard, who supports the practical interpretation, claims to find a contradiction in the maxim for the natural action of killing someone in order to get his job (Korsgaard 1996, 98). Killing is a natural action; but by introducing the idea of employment she unwittingly converts the example to a conventional action. Universalization of the maxim of killing anyone who has some natural object I want leads to neither a logical nor a practical contradiction, though it does create a world I would not want to live in, and so generates a contradiction in willing. But that is not the kind of contradiction we should expect from a maxim of convenience killing. It could generate nothing stronger than an imperfect duty not to kill (see Herman 1993, 116-18).

Teleology and the system of nature. An alternative to the logical and practical interpretations of the contradictions is known as the “teleological interpretation” (see Paton 1948, 149-57). Though described in different ways, the basic idea is that nature can be conceived as a system of laws describing means-end relations, and therefore maxims, as means-ends principles, can be tested by the coherence of their universal forms with the system of nature (see Stapleford 2007). Maxims like those in the suicide example, or in the example of convenience killing, would result in an incoherent system of nature if they were elevated to the status of universal laws, since they both prioritize human happiness over human life. As Kant attempted to establish in an earlier argument regarding the end of practical reason, nature would not have made us rational if happiness were the ultimate end of our existence. So this implies that maxims of action destructive of human life or bodily functioning, for purposes of happiness, are inconsistent with the background system of nature they require in order to be effective. In a sense, then, the teleological interpretation is able to rely on the idea of systematic nature in the same way the logical and practical interpretations rely on background conventions. But the teleological interpretation can also recognize social conventions as background conditions for probably most human actions; for these can be imagined to emerge in society in response to natural needs. Since it is natural that human beings can articulate and recognize patterns of sounds, and natural that they can advance their interests through communication, the convention of honest, truthful conversation emerges quite naturally. Since it is more convenient for human life that tools and other implements are ready to hand, the convention of property emerges naturally as well. Maxims that would thwart these conventions when universalized can therefore be recognized as introducing forms of contradiction in the system of nature: presumably, both contradictions in conception and contradictions in willing. At the present time, however, considerably more interpretive work is required in order to shore up the credibility of the promising teleological interpretation.

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

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

#### [2] 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.**

#### [3] Universe is infinite – proves action causes the same amount of pleasure.

Bostrom 11 Nick Bostrom (Professor, Faculty of Philosophy & Oxford Martin School Director, Future of Humanity Institute Director, Oxford Martin Programme on the Impacts of Future Technology University of Oxford) “Infinite Ethics” Analysis and Metaphysics, Vol. 10 (2011): pp. 9-59

In the standard Big Bang model, assuming the simplest topology (i.e., that space is singly connected), there are three basic possibilities: the universe can be open, flat, or closed. Current data suggests a flat or open universe, although the final verdict is pending. If the universe is either open or flat, then it is spatially infinite at every point in time and the model entails that it contains an infinite number of galaxies, stars, and planets. There exists a common misconception which confuses the universe with the (finite) “observable universe”. But the observable part—the part that could causally affect us—would be just an infinitesimal fraction of the whole. Statements about the “mass of the universe” or the “number of protons in the universe” generally refer to the content of this observable part; see e.g. [1]. Many cosmologists believe that our universe is just one in an infinite ensemble of universes (a multiverse), and this adds to the probability that the world is canonically infinite; for a popular review, see [2]. The “many worlds” of the Everett version of quantum physics, however, would not in any obvious way amount to the relevant kind of infinity; both because whether the “world”-count reaches infinity or merely a large finitude might be an artifact of convenient formalism rather than reflecting of physical reality, and also because the ethical significance of each Everettian “world” should, plausibly, be weighted by its associated measure (amplitude squared), which is a normalized; see e.g. [3].

#### [4] Predictions impossible – there is so non-arbitrary cutoff to calculations when analyzes the effects of actions. When one action is done, that results in an infinite of other chain events which eventually makes any two actions the same. No way to evaluate predictions – 1. we need a metric to determine a probability of certain actions occurring, but we also need a metric to determine the probability of the prior metric being true and so on to infinite 2. there is no reason for why past trends continue – that is justified by experiencing the fact that past trends continue which is in it itself a past trend

#### [5] Aggregation impossible – multiple chemicals in the brain can make me happy. No way to compare them.

#### [6] moral culpability: double bind, either 1. we can never evaluate the ethicality of an action until after we observe the effects of the action, making consequentialism not action guiding or 2. people can claim they acted justly based on a subjective prediction even if they committed a blatantly immoral act. outweighs–ethics cannot function absent a system that holds people accountable.

#### Prefer epistemic confidence –

#### Modesty is inconsistent with ethical theories: If two different doctors advise you to take 2 different pills as medication, you would have to choose which to take.

#### Modesty is just util where is calculates and weighs potential pleasure and pain which our fw criticizes

#### Modesty is self-defeating: you have to use confidence to determine whether modesty should be used

#### Modesty collapses to confidence because you have to be confident about which framework outweighs

#### Psychological experiments prove there is an act/omission distinction.

Cushman et al 10 [Fiery Cushman, Shauna Gordon-McKeon, Dylan Murray, Sophie Wharton & Joshua Greene, “When it’s wrong not to act: How the brain processes harmful omissions”, Department of Psychology, Harvard University, 2010, acc. 11/03/18] SG

Question “Omission Effect”: Allowing harm to occur is considered less bad than to actively causing harm1,2. Why? • For instance, allowing a terminally ill patient to die is considered less bad than actively killing that patient • A strange judgment: Either way, the patient dies! Why do people consider passive harm less bad? Hypotheses “Rule Hypothesis”: People use controlled cognition to apply an explicit rule that passive harm is less bad than active harm Prediction: Increased controlled cognitive processing associated with increased omission effect “Automaticity Hypothesis”: Automatic processes of moral judgment respond more to actions than omissions. Thus, effortful controlled cognition is required to condemn omissions Prediction: Increased controlled cognitive processing associated with decreased omission effect Design • 24 moral hypotheticals: 12 actions, 12 omissions • Presented on series of 3 screens of text (see at right) • Response on 1-5 Likert scale • 3T Siemens scanner, Harvard Center for Brain Science • TR = 2.5s, 3x3x3mm voxel size • Whole-brain random-effects analyses performed at p < .001 statistical threshold and minimum cluster size of 20 ensuring reliable (p < .05) effects at cluster level Results Behavioral results: Significant omission effect across group, and large individual differences in the judgment of omissions • At group level, a reliable omission effect (p < .001) Omission effect = Action Judgments - Omission Judgments • Individual differences in the size of the omission effect were strongly predicted by the judgment of omissions (r = .52), but not by the judgment of actions (r = .12) fMRI Group analysis: Evaluating harmful omissions activates a large network of brain regions relative to evaluating harmful actions • No reliable clusters revealed for action > omission trials in either “Dilemma” or “Choice” block of text (see below for examples of text for an omission trial) • 15 reliable clusters revealed for omission > action trials during third block of text, “Choice” (see at right); similar, weaker pattern during second block of text, “Dilemma” • These 15 regions are implicated in controlled cognition3,4 and social evaluation3,5 fMRI Individual differences: Increased BOLD response during omission trials correlates with decreased size of omission effect • Every one of the 15 regions identified above exhibits an identical trend: Individuals with a smaller behavioral omission effect show a greater omission > action difference at the neural level • This effect is most reliable (p < .05, one tailed) in the left dorsolateral prefrontal cortex (L-DLPFC; MNI -39, 23, 37) • This effect is driven more by variance in BOLD response to omission trials than by variance in BOLD response to action trials Conclusions The action is in the omissions • Everybody agrees the actively harming is wrong, but individuals differ in their judgments of harmful omissions • Across a large network of brain regions , the evaluation of harmful omissions results in more robust activation relative to harmful actions Support for the “Automaticity Hypothesis” • Subjects who show least omission effect also show the most extra processing for omissions • This relationship is strongest in L-DLPFC, a region associated with controlled, effortful cognition • This pattern of individual differences is consistent with the automaticity hypothesis: The judgment of harmful actions requires less cognitive control, implying relatively automatic condemnation • Extra controlled cognitive processing is necessary to condemn harmful omissions.

### 1NC – Contention

#### Thus, the standard is consistency with liberty. Prefer:

#### 1] The state is obligated to prioritize freedom.

Otteson 09 [(James R., professor of philosophy and economics at Yeshiva University) “Kantian Individualism and Political Libertarianism,” The Independent Review, v. 13, n. 3, Winter, [2009](https://link.springer.com/article/10.1007/s10790-015-9506-9)] TDI

It is difficult to imagine a stronger defense of the “sacred” dignity of individual agency. Kantian individuality is premised on its rational nature and its entailed inherent dignity, and the rest of his moral philosophy arguably is built on this vision.1 Kant relies on a similarly robust conception of individuality in work other than his explicitly moral philosophy. The 1784 essay “An Answer to the Question: ‘What Is Enlightenment?’” (Kant 1991), for example, emphasizes in strong terms the threat that paternalism poses to one’s will. Kant argues that “enlightenment” (Aufklärung) involves a transition from moral and intellectual immaturity, wherein one depends on others to make one’s moral and intellectual decisions, to maturity, wherein one makes such decisions for oneself. One cannot effect this transition if one remains under another’s tutelage, and, as a corollary, one compromises another’s enlightenment if one undertakes to make such decisions for the other person—which, as Kant argues, is the case under a paternalistic government. Kant also writes in his 1786 essay “What Is Orientation in Thinking?” that “To think for oneself means to look within oneself (i.e. in one’s own reason) for the supreme touchstone of truth; and the maxim of thinking for oneself at all times is enlightenment” (1991, 249, italics and bold in the original). These passages are consistent with the position he takes in Grounding that a person who depends on others is acting heteronomously, not autonomously, and is to that extent not exercising a free moral will. These passages also help to clarify Kant’s notion of personhood and rational agency by indicating some of their practical implications. For example, on the basis of his argument, one would expect him to argue for setting severe limits on the authority that any group of people, including the state, may exercise over others: because individual freedom is necessary both to achieve enlightenment and to exercise one’s moral agency, Kant should argue that no group may impinge on that freedom without thereby acting immorally. Kant expressly draws this conclusion in his 1793 essay “On the Common Saying: ‘This May Be True in Theory, but It Does Not Apply in Practice’”: Right is the restriction of each individual’s freedom so that it harmonises with the freedom of everyone else (in so far as this is possible within the terms of a general law). And public right is the distinctive quality of the external laws which make this constant harmony possible. Since every restriction of freedom through the arbitrary will of another party is termed coercion, it follows that a civil constitution is a relationship among free men who are subject to coercive laws, while they retain their freedom within the general union with their fellows. (1991, 73, emphasis in original) Kant insists on the protection of a sphere of liberty for each individual to self-legislate under universalizable laws of rationality, consistent with the formulation of the categorical imperative requiring the treatment of others “always at the same time as an end and never simply as a means” (1981, 36). This formulation of the categorical imperative might even logically entail the position Kant articulates about “right,” “public right,” and “freedom.” Persons do not lose their personhood when they join a civil community, so they cannot rationally endorse a state that will be destructive of that personhood; on the contrary, according to Kant, a person enters civil society rationally willing that the society will protect both his own agency and that of others. Robert B. Pippen rightly says that for Kant “political duties are a subset of moral duties” (1985, 107–42), but the argument here puts it slightly differently: political rights, or “dignities,” derive from moral rights, which for Kant are determined by one’s moral agency. Thus, the only “coercive laws” to which individuals may rationally allow themselves to be subject in civil society are those that require respect for each others’ moral agency (and provide for the punishment of infractions thereof) (see Pippen 1985, 121). When Kant comes to state his own moral justification for the state in the 1797 Metaphysics of Morals, this claim is exactly the one he makes: the state is necessary for securing the conditions of “Right”—in other words, the conditions under which persons can exercise their autonomous agency (see 1991, 132–35). Consistent with this interpretation, Kant elsewhere endorses free trade and open markets on grounds that make his concern for “harmony” in the preceding passage reminiscent of Adam Smithian invisible-hand arguments. In his 1784 essay “Idea for a Universal History with a Cosmopolitan Purpose,” Kant writes: “Individual men and even entire nations little imagine that, while they are pursuing their own ends, each in his own way and often in opposition to others, they are unwittingly guided in their advance along a course intended by nature. They are unconsciously promoting an end which, even if they knew what it was, would scarcely arouse their interest” (1991, 41). This statement is similar to Smith’s statement of the invisible-hand argument.2 Kant proceeds to endorse some of the same laissez-faire economic policies that Smith advocated—for example, in his discussion in his 1786 work “Conjectures on the Beginning of Human History” of the benefits of “mutual exchange” and in his claim that “there can be no wealth-producing activity without freedom” (1991, 230–31, emphasis in original), as well as in his claim in the 1795 Perpetual Peace that “the spirit of commerce” is motivated by people’s “mutual self-interest” and thus “cannot exist side by side with war” (1991, 114, emphasis in original).3 Finally, although Kant argues that we cannot know exactly what direction human progress will take, he believes we can nevertheless be confident that mankind is progressing.4 Thus, in “Universal History” he writes: The highest purpose of nature—i.e. the development of all natural capacities—can be fulfilled for mankind only in society, and nature intends that man should accomplish this, and indeed all his appointed ends, by his own efforts. This purpose can be fulfilled only in a society which has not only the greatest freedom, and therefore a continual antagonism among its members, but also the most precise specification and preservation of the limits of this freedom in order that it can co-exist with the freedom of others. The highest task which nature has set for mankind must therefore be that of establishing a society in which freedom under external laws would be combined to the greatest possible extent with irresistible force, in other words of establishing a perfectly just civil constitution. (1991, 45–46, emphasis in original) Kant’s argument in this essay runs as follows: human progress is possible, but only in conditions of a civil society whose design allows this progress; because the progress is possible only as individuals become enlightened, and individual enlightenment is in turn possible only when individuals are free from improper coercion and paternalism, human progress is therefore possible only under a state that defends individual freedom. Kant believes that individuals have the best chance to be happy under a limited civil government, and he therefore argues that even such a laudable goal as increasing human happiness is not a justifiable role of the state: “But the whole concept of an external right is derived entirely from the concept of freedom in the mutual external relationships of human beings, and has nothing to do with the end which all men have by nature (i.e. the aim of achieving happiness) or with the recognized means of attaining this end. And thus the latter end must on no account interfere as a determinant with the laws governing external right” (“Theory and Practice,” 1991, 73, emphasis in original). The Kantian state is hence limited on the principled grounds of respecting agency; the fact that this limitation in his view provides the conditions enabling enlightenment, progress, and ultimately happiness is a great but ancillary benefit. Thus, the positions Kant takes on nonpolitical issues would seem to suggest a libertarian political position. And Kant explicitly avows such a state. In “Universal History,” he writes: Furthermore, civil freedom can no longer be so easily infringed without disadvantage to all trades and industries, and especially to commerce, in the event of which the state’s power in its external relations will also decline. . . . If the citizen is deterred from seeking his personal welfare in any way he chooses which is consistent with the freedom of others, the vitality of business in general and hence also the strength of the whole are held in check. For this reason, restrictions placed upon personal activities are increasingly relaxed, and general freedom of religion is granted. And thus, although folly and caprice creep in at times, enlightenment gradually arises. (1991, 50–51, emphasis in original) In “Theory and Practice,” Kant writes that “the public welfare which demands first consideration lies precisely in that legal constitution which guarantees everyone his freedom within the law, so that each remains free to seek his happiness in whatever way he thinks best, so long as he does not violate the lawful freedom and rights of his fellow subjects at large” and that “[n]o-one can compel me to be happy in accordance with his conception of the welfare of others, for each may seek his happiness in whatever way he sees fit, so long as he does not infringe upon the freedom of others to pursue a similar end which can be reconciled with the freedom of everyone else within a workable general law” (1991, 80, emphasis in original, and 74). 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.

#### 2] Enterprise – we are composed of different practical identities, but reason unifies them and allows us to shift and act upon different enterprises. Consequentialist frameworks cannot produce unified moral actions.

#### 3] Performativity—freedom is the key to the process of justification of arguments. Willing that we should abide by their ethical theory presupposes that we own ourselves in the first place.

#### Contention –

#### 1] Libertarianism mandates a market-oriented approach to space—that negates

Broker 20 [(Tyler, work has been published in the Gonzaga Law Review, the Albany Law Review and the University of Memphis Law Review.) “Space Law Can Only Be Libertarian Minded,” Above the Law, 1-14-20, <https://abovethelaw.com/2020/01/space-law-can-only-be-libertarian-minded/>] TDI

The impact on human daily life from a transition to the virtually unlimited resource reality of space cannot be overstated. However, when it comes to the law, a minimalist, dare I say libertarian, approach appears as the only applicable system. In the words of NASA, “2020 promises to be a big year for space exploration.” Yet, as Rand Simberg points out in Reason magazine, it is actually private American investment that is currently moving space exploration to “a pace unseen since the 1960s.” According to Simberg, due to this increase in private investment “We are now on the verge of getting affordable private access to orbit for large masses of payload and people.” The impact of that type of affordable travel into space might sound sensational to some, but in reality the benefits that space can offer are far greater than any benefit currently attributed to any major policy proposal being discussed at the national level. The sheer amount of resources available within our current reach/capabilities simply speaks for itself. However, although those new realities will, as Simberg says, “bring to the fore a lot of ideological issues that up to now were just theoretical,” I believe it will also eliminate many economic and legal distinctions we currently utilize today. For example, the sheer number of resources we can already obtain in space means that in the rapidly near future, the distinction between a nonpublic good or a public good will be rendered meaningless. In other words, because the resources available within our solar system exist in such quantities, all goods will become nonrivalrous in their consumption and nonexcludable in their distribution. This would mean government engagement in the public provision of a nonpublic good, even at the trivial level, or what Kevin Williamson defines as socialism, is rendered meaningless or impossible. In fact, in space, I fail to see how any government could even try to legally compel collectivism in the way Simberg fears. Similar to many economic distinctions, however, it appears that many laws, both the good and the bad, will also be rendered meaningless as soon as we begin to utilize the resources within our solar system. For example, if every human being is given access to the resources that allows them to replicate anything anyone else has, or replace anything “taken” from them instantly, what would be the point of theft laws? If you had virtually infinite space in which you can build what we would now call luxurious livable quarters, all without exploiting human labor or fragile Earth ecosystems when you do it, what sense would most property, employment, or commercial law make? Again, this is not a pipe dream, no matter how much our population grows for the next several millennia, the amount of resources within our solar system can sustain such an existence for every human being. Rather than panicking about the future, we should try embracing it, or at least meaningfully preparing for it. Currently, the Outer Space Treaty, or as some call it “the Magna Carta of Space,” is silent on the issue of whether private individuals or corporate entities can own territory in space. Regardless of whether governments allow it, however, private citizens are currently obtaining the ability to travel there, and if human history is any indicator, private homesteading will follow, flag or no flag. We Americans know this is how a Wild West starts, where most regulation becomes the impractical pipe dream. But again, this would be a Wild West where the exploitation of human labor and fragile Earth ecosystem makes no economic sense, where every single human can be granted access to resources that even the wealthiest among us now would envy, and where innovation and imagination become the only things we would recognize as currency. Only a libertarian-type system, that guarantees basic individual rights to life, liberty, and the pursuit of happiness could be valued and therefore human fidelity to a set of laws made possible, in such an existence.

#### 2] Property rights in space can be consistent with international law

Simberg 12 [(Rand, MSE in technical management from West Coast University, recognized as an expert in space transportation by the Office of Technology Assessment) “Homesteading the Final Frontier A Practical Proposal for Securing Property Rights in Space,” Competitive Enterprise Institute, April 2012, <https://cei.org/wp-content/uploads/2012/04/Rand-Simberg-Homesteading-the-Final-Frontier.pdf>] TDI

But is it true that any recognition of off-planet property claims is de facto a violation of the Outer Space Treaty? Not necessarily. For instance, one could argue that the existence of the Moon Treaty is in and of itself a refutation of the notion that the Outer Space Treaty outlaws private property in space, or else there would be no need for another treaty that essentially explicitly does so. And there is at least one potential loophole that could be exploited by appropriately worded legislation. There are two key assumptions in the legal argument used by opponents of off-planet property claims: 1) that the recognition by a government would only recognize claims by its own citizens; and 2) that it would defend them by force. That need not necessarily be so. Under the treaty, it would in fact be possible for a government, or group of governments, to recognize the property claims of anyone who met specified conditions, regardless of their citizenship or nationality. Such cooperation would obviate the need for physical force to defend claims. The argument that the treaty permits individual property rights was actually made from the very beginning. In 1969, two years after the treaty went into force, the late distinguished space-law professor, Stephen Gorove, noted that under it, “[A]n individual acting on his own behalf or on behalf of another individual or a private association or an international organization could lawfully appropriate any part of outer space, including the [M]oon and other celestial bodies.”32 This clearly provides support for the concept of individual claims off planet under Article II.

#### 3] Space appropriation and exploration originates from private companies such as Space X and Blue Origin. Preventing such is a restriction on the ability of companies to set and pursue their ends and these companies gain contracts with the government for projects which turns promise breaking offense.