## 1

#### Agency is inescapable.

Ferrero 9 - Luca Ferrero (University of Wisconsin at Milwaukee) “Constitutivism and the Inescapability of Agency” Oxford Studies in Metaethics, vol. IV January 12th 2009 pp. 6-8

3.2 Agency is special under two respects. First, agency is the enterprise with the largest jurisdiction.12 All ordinary enterprises fall under it. To engage in any ordinary enterprise isipso facto to engage in the enterprise of agency**.** In addition, there are instances of behavior that fall under no other enterprise but agency. First, intentional transitions in and out of particular enterprises might not count as moves within those enterprises, but they are still instances of intentional agency, of bare intentional agency, so to say. Second, agency is the locus where we adjudicate the merits and demerits of participating in any ordinary enterprise. Reasoning whether to participate in a particular enterprise is often conducted outside of that enterprise, even while one is otherwise engaged in it. Practical reflection is a manifestation of full-fledged intentional agency but it does not necessary belong to any other specific enterprise. Once again, it might be an instance of bare intentional agency. In the limiting case, agency is the only enterprise that would still keep a subject busy if she were to attempt a ʻradical re-evaluationʼ of all of her engagements and at least temporarily suspend her participation in all ordinary enterprises.13 3.3 The second feature that makes agency stand apart from ordinary enterprises is agencyʼs closure. Agency is closed under the operation of reflective rational assessment. As the case of radical re-evaluations shows, ordinary enterprises are never fully closed under reflection. There is always the possibility of reflecting on [ordinary enterprises] their justification while standing outside of them. Not so for rational agency. The constitutive features of agency (no matter whether they are conceived as aims, motives, capacities, commitments, etc.) continue to operate even when the agent is assessing whethershe is justified in her engagement in agency. One cannot put agency on hold while trying to determine whether agency is justified because this kind of practical reasoning is the exclusive job of intentional agency. This does not mean that agency falls outside of the reach of reflection. But even reflection about agency is a manifestation of agency.14 Agency is not necessarily self-reflective but all instances of reflective assessment, including those directed at agency itself, fall under its jurisdiction; they are conducted in deference to the constitutive standards of agency. This kind of closure is unique to agency. What is at work in reflection is the distinctive operation of intentional agency in its discursive mode. What is at work is not simply the subjectʼs capacity to shape her conduct in response to reasons for action but also her capacity both to ask for these reasons and to give them. Hence, agencyʼs closure under reflective rational assessment is closure under agencyʼs own distinctive operation: Agency is closed under itself.15

#### Implications:

#### 1] Agents can’t arbitrarily ignore rationality since asking a reason for a reason concedes the authority of reason—means reason in it of itself is inherently valuable -proving the neg framework collapses to infinite regress.

#### 2] NC framing devolves to the aff— 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. Thus, it is logically incoherent to justify the neg arguments/standard without first willing that we can pursue ends free from others.

#### Agency posits universal willing because it is a prerequisite to self-determination of action. Anything else means desire controls our actions, thus the actor is no longer an agent.

**Korsgaard** “Self-Constitution in the Ethics of Plato and Kant” by Christine M. Korsgaard, available in “The Constitution of Agency: Essays on Practical Reason and Moral Psychology,” 2008

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. According to Kant **you must always act on some incentive** or other**, for every action**, even action from duty, **involves a decision on a proposal**: something must suggest the action to you. 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 defined 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**, whatever they might be” as his maxim has adopted a universal principle, not a particular one: he **has the principle of treating his inclinations** as such **as reasons. 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. So someone who engages in particularistic willing does not even have a democratic soul. **There is only the** tyranny of the moment: the **complete domination of the agent by something inside him.**

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

#### 1] Externalism fails: no reason why we ought to care about higher order because they can just say screw it and not follow that order which takes out consequences because we don’t care about them.

#### 2] 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. Thus, it is logically incoherent to justify a standard without first willing that we can pursue ends free from others.

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

#### 4] Consequences Fail: [A] Every action has infinite stemming consequences, because every consequence can cause another consequence. [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] Aggregation Fails --- suffering is not additive can’t compare between one migraine and 10 head aches

#### 5] Ethics must be a priori: [A] 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. [B] Action theory – only evaluating action through reason solves since reason is key to evaluate intent, otherwise we could infinitely divide actions. For example: If I was brewing tea, I could break up that one big action into multiple small actions. Only our intention, to brew tea unifies these actions if we were never able to unify action, we could never classify certain actions as moral or immoral since those actions would be infinitely divisible. [C] Empirical uncertainty – evil demon could deceive us, dreaming, simulation, and inability to know others’ experience make empiricism an unreliable basis for universal ethics. Outweighs since it would be escapable since people could say they don’t experience the same.

#### 6] Actor specificity—societies are just conglomerates of reasoners.

**Laurence 11** Ben Laurence 2011 (Professor of Philosophy at the University of Chicago) “An Anscombean Approach to Collective Action” in Ford and Hornsby, Eds. Essays on Anscombe's Intention (Cambridge: Harvard University Press, 2011) 293-294

But even if it is laying it on a bit thick to speak in this way, it doesn’t really matter. It is enough that the same order displayed in collective action explanation can also be represented as a set of rational transitions justifying the actions undertaken by members of a group in light of a shared objective. In this way, whether or not there is strictly speaking a unitary knowing subject of the whole action, we can still see the actions in question as recommended by reasoning. This reasoning will not, of course, occur through the exercise of a separate practical reason possessed by the group, but rather through the reasoning of the individual members as the execute their shared objective. We might sum this up by saying that just as a collective agent can only act through the actions of its individual members, it can only know through their knowing, and reason through their reasoning. In this way, even without a mind of its own, it can be the subject of a practical syllogism

#### Negate:

#### [1] A model of freedom 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] Banning private space appropriation inhibits the sale and use of spacecraft and fuel- that’s a form of restricting the free economic choices of individuals

**Richman 12**, Sheldon. “The free market doesn’t need government regulation.” Reason, August 5, 2012. // AHS RG

Order grows from market forces. But where do **market forces** come from? They **are the result of human action. Individuals select ends and act to achieve them by adopting suitable means.** Since means are scarce and ends are abundant, **individuals economize in order to accomplish more rather than less.** And they always seek to exchange lower values for higher values (as they see them) and never the other way around. In a world of scarcity, tradeoffs are unavoidable, so one aims to trade up rather than down. (One’s trading partner does the same.) **The result of this**, along with other **features of human action**, and the world at large **is what we call market forces. But really, it is just men and women acting rationally in the world.**

## 2

#### Util creates a moral obligation to oppress people, when their suffering would cause a greater amount of happiness for the majority. It does not create equality in anyway. Gold 19

Gold, Jeffrey & Devalve, Michael. (2019). Utilitarian and Deontological Approaches to Criminal Justice Ethics. 10.4324/9780429203626-3.\

According to utilitarianism, an action is moral when it produces the great-est amount of happiness for the greatest number of people. A problem arises, however, when the greatest happiness is achieved at the expense of a few. For example, **if a large group were to enslave a very small group, the large group would gain certain comforts and luxuries (and the pleasure that accompanies those comforts) as a result of the servitude of the few**. **If we were to follow the utilitarian calculus** strictly, **the suffering of a few (even intense suffering) would be outweighed by the pleasure of a large enough majority**. A thousand people’s modest pleasure would outweigh the suffer-ing of 10 others. Hence, utilitarianism would seem to endorse slavery when it produces the greatest total amount of happiness for the greatest number of people. This is obviously a problem for utilitarianism. **Slavery and oppression are wrong regardless of the amount of pleasure accumulated by the oppressing class. In fact, when one person’s pleasure results from the suf-fering of another, the pleasure seems all the more abhorrent.** The preceding case points to a weakness in utilitarianism, namely, the weak-ness in dealing with certain cases of injustice. Sometimes it is simply unjust to treat people in a certain way regardless of the pleasurable consequences for others. A gang rape is wrong even if 50 people enjoy it and only one suffers. It is wrong because it is unjust. To use Kant’s formulation, it is always wrong to treat anyone as a mere means to one’s own ends. When we enslave, rape, and oppress, we are always treating the victim as a means to our own ends.

#### They read morally repugnant arguments. This is an independent reason to drop the debater, to ensure that debate remains a space safe for all – the judge has a proximal obligation to ensure inaccessible practices don’t proliferate. Accessibility is a voting issue since all arguments presuppose that people feel safe in this space to respond to them.

## 3

#### [1] **No aff analytics: they can shoot out blip storms in the 1ar, which I can never respond to – outweighs since they have 3 speeches**

#### [2] Accept neg paradigm issues – otherwise they can put infinite spin on 1nc contextualization which means we never have good theory debates if we are disagreeing on the rules of the game. Leads to infinite theory debates, which kills the point of theory.

#### [3] The aff may only make one response to each argument in the neg and must answer them all [a] gives us the same number of args [b] forces good arg gen in the 1ar

#### [4] Evaluate the debate after 1NC, most recirical, both aff and neg gets one speech each instead of 3-2 skew. e] even if they win that it is unfair (its not) neg autowins help spread the message that neg is unfair so people will change LD rules to be more structurally fair. [f] If you evaluate after the 1NC then they didn’t respond to this arg so it just goes conceded so you can extend it across the flow.

#### [5] the aff must not read combo shells: [a] infinite planks are unpredictable and chill affs from defending themselves against abusive 1acs [b] strat skew – they can just read multiple one plank shells which leads to better debate on each norm

**[6]Refer to me in Theory violations as Junkai, my name isn’t negative and I’m not plural debaters else I get an auto I meet**

#### [7] No 1ar theory: [a] I only have one speech to respond which outweighs on infinite abuse because they can read any number of shells [b] aff frames the round means they pick neg ground and if the 1ar is hard, they should just write a better aff [c] 1ar restart, 4-6-3 tim skew, inifinite abuse.

**[9]**Theory on spikes is drop the arg, In the same way that winning competing interps isn’t a voting issue, my theory paradigms are simply presented models for debate.

#### More reasons you should negate

#### [1] In order to decide to do the affirmative we need a decision-making procedure to enact it, vote for it, and to determine it is a good decision. But to chose a decision-making procedure requires another meta level decision making procedure leading to infinite regress since every decision requires another decision to chose how to make a decision.

**[2] Either it’s the case we can predict the outcome of a situation, or we cannot. We cannot, insofar as no situation is ever replicated exactly, and even if it can, there’s no guarantee the outcome will be the same. If we can predict situations, that means everyone can, which means we will always predict each other, making a paradox of action insofar as we always attempt to predict the outcomes of each other’s actions, and will cancel out the obligations. Takes out their offense, explanation of the world, and framing since it relies on using past experiences**

#### [3] To go anywhere, you must go halfway first, and then you must go half of the remaining distance, and half of the remaining distance, and so forth to infinity – thus, motion is impossible because it necessitates traversing an infinite number of spaces in a finite amount of time.