# TOC R3

déjà vu we’ve been in this place before

#### a priori – a) I’ll never go to camp so you’ll be fine b) get good – sovles ur offesne c) educaiton – I need to be able to trigger permissiblitiy ono him one last time d) give us both 30 speaks for being cool to compensate

## 1NC – OFF

#### Agents must be practical reasoners:

#### First, inescapability – the exercise of practical rationality requires that one regards it as intrinsically good – that justifies a right to freedom.

Wood [Allen W. Wood, (Stanford University, California) "Kantian Ethics" Cambridge University Press, 2007, https://www.cambridge.org/core/books/kantian-ethics/769B8CD9FCC74DB6870189AE1645FAC8, DOA:8-12-2020 // WWBW]//rct st

Kant holds that the most basic act through which people exercise their practical rationality is that of setting an end (G 4:437). To set an end is, analytically, to subject yourself to the hypothetical imperative that you should take the necessary means to the end you have set (G 4:417). This is the claim that you rationally ought to do something whether or not you are at the moment inclined to do it. It represents the action of applying that means as good (G 4:414) – in the sense of “good” that Kant explicates as: what is required by reason independently of inclination (G 4:413). Kant correctly infers that any being which sets itself ends is committed to regarding its end as good in this sense, and also to regarding the goodness of its end as what also makes application of the means good – that is, rationally required independently of any inclination to apply it. The act of setting an end, therefore, must be taken as committing you to represent some other act (the act of applying the means) as good. In doing all this, however, the rational being must also necessarily regard its own rational capacities as authoritative for what is good in general. For it treats these capacities as capable of determining which ends are good, and at the same time as grounding the goodness of the means taken toward those good ends. But to regard one’s capacities in this way is also to take a certain attitude toward oneself as the being that has and exercises those capacities. It is to esteem oneself – and also to esteem the correct exercise of one’s rational capacities in determining what is good both as an end and as a means to it. One’s other capacities, such as those needed to perform the action that is good as a means, are also regarded as good as means. But that capacity through which we can represent the very idea of something as good both as end and as means is not represented merely as the object of a contingent inclination, nor is it represented as good only as a means. It must be esteemed as unconditionally good, as an end in itself. To find this value in oneself is not at all the same as thinking of oneself as a good person. Even those who misuse their rational capacities are committed to esteeming themselves as possessing rational nature. It also does not imply that a more intelligent person (in that sense, more “rational”) is “better” than a less intelligent one. The self-esteem involved in setting an end applies to any being capable of setting an end at all, irrespective of the cleverness or even the morality of the end setting. Kant’s argument supports the conclusion, to which he adheres with admirable consistency throughout his writings, that all rational beings, clever or stupid, even good or evil, have equal (absolute) worth as ends in themselves. For Kantian ethics the rational nature in every person is an end in itself whether the person is morally good or bad.

#### Second, value theory – the existence of extrinsic goodness requires unconditional human worth.

Korsgaard (Christine M., “Two Distinctions in Goodness,” The Philosophical Review Vol. 92, No. 2 (Apr., 1983), pp. 169-195, JSTOR) OS \*bracketed for gen lang\* //rct st

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 [they] 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 45-46/427-428 and Doctrine of Virtue 43-44/384-385). 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 power set to an end" (G 56/437 and 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.

#### Third, practical reason – ethical principles must be derived from the structure of reason:

#### [1] Regress – we can always ask why we should follow a theory, so they aren’t binding because they don’t have a starting point. Practical reason solves – When we ask why we should follow reason, we demand a reason, which concedes to the authority of reason itself, so it’s the only thing we can follow

#### [2] Action Theory – every action can be broken down to infinite amounts of movements, i.e. me moving my arm can be broken down to the infinite moments of every state my arm is in. Only reason can unify these movements because we use practical reason to achieve our goals, means all actions collapse to reason

#### Fourth, epistemology – ethics must begin a priori, meaning they can’t be derived from our experience.

#### [A] Representations of space – we can only access our experiences if we can interpret the space around us, but that requires the a priori. Thinking of the absence of space is impossible – we can think of empty space but never the lack of space itself. Imagining space through a priori thoughts is the only way we can even begin to have a conception of interpreting experience; we need to be able to construct space through our minds.

#### [B] Separateness – if space is based on experience, it must be formed from objects separate to us outside of our reasoning abilities. But to represent objects as separate from us, we would already need to assume space exists in the first place to have a concept of “separateness,” so to represent space as something separate from us would be incoherent.

#### [C] Uncertainty – every person has different experiences so we can’t have a unified perspective on what is good if we each have different conceptions of it – even if we can roughly aggregate it’s not enough because there’ll always be a case when it fails so the framework o/w on probability.

#### [D] Is/Ought Gap – experience in the phenomenal world only tells us 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 within the noumenal world to make a moral theory.

#### Practical reason means we all have a unified perspective: What can be justified to me can be justified to everyone who is a practical reasoner. If I can conclude that 2+2 is 4, then I understand not only that I know 2+2 is 4, but that everyone around me can arrive at the same conclusion. These things are temporally consistent: I know that me adding two numbers now and taking that sum will not result in me adding the same two numbers in the future and getting a different sum. Our unified perspective does not change but rather stays consistent.

#### But, willing an action that violates the freedom of others is a contradiction: If I decide to kill someone, that action is not universalizable because that would justify other people killing me too. If I die, I cannot exercise my freedom to kill someone else. This is a contradiction: I both justify extending my freedom to kill others and limiting my own freedom.

#### Thus, the standard is respecting freedom.

#### Negate:

#### Acquisition of property can never be unjust – to create rights violations, there must already be an owner of the property being violated, but that presupposes its appropriation by another entity.

Feser 1, (Edward Feser, 1-1-2005, accessed on 12-15-2021, Cambridge University Press, "THERE IS NO SUCH THING AS AN UNJUST INITIAL ACQUISITION | Social Philosophy and Policy | Cambridge Core", Edward C. Feser is an American philosopher. He is an Associate Professor of Philosophy at Pasadena City College in Pasadena, California. [https://www.cambridge.org/core/journals/social-philosophy-and-policy/article/abs/there-is-no-such-thing-as-an-unjust-initial-acquisition/5C744D6D5C525E711EC75F75BF7109D1)[brackets](https://www.cambridge.org/core/journals/social-philosophy-and-policy/article/abs/there-is-no-such-thing-as-an-unjust-initial-acquisition/5C744D6D5C525E711EC75F75BF7109D1)%5bbrackets) for gen lang]//phs st

There is a serious difficulty with this criticism of Nozick, however. It is just this: There is no such thing as an unjust initial acquisition of resources; therefore, there is no case to be made for redistributive taxation on the basis of alleged injustices in initial acquisition. This is, to be sure, a bold claim. Moreover, in making it, I contradict not only Nozick’s critics, but Nozick himself, who clearly thinks it is at least possible for there to be injustices in acquisition, whether or not there have in fact been any (or, more realistically, whether or not there have been enough such injustices to justify continual redistributive taxation for the purposes of rectifying them). But here is a case where Nozick has, I think, been too generous to the other side. Rather than attempt —unsatisfactorily, in the view of his critics—to meet the challenge to show that initial acquisition has not in general been unjust, he ought instead to have insisted that there is no such challenge to be met in the first place. Giving what I shall call “the basic argument” for this audacious claim will be the task of Section II of this essay. The argument is, I think, compelling, but by itself it leaves unexplained some widespread intu- itions to the effect that certain specific instances of initial acquisition are unjust and call forth as their remedy the application of a Lockean proviso, or are otherwise problematic. (A “Lockean proviso,” of course, is one that forbids initial acquisitions of resources when these acquisitions do not leave “enough and as good” in common for others.) Thus, Section III focuses on various considerations that tend to show how those intuitions are best explained in a way consistent with the argument of Section II. Section IV completes the task of accounting for the intuitions in question by considering how the thesis of self-ownership itself bears on the acqui- sition and use of property. Section V shows how the results of the previ- ous sections add up to a more satisfying defense of Nozickian property rights than the one given by Nozick himself, and considers some of the implications of this revised conception of initial acquisition for our under- standing of Nozick’s principles of transfer and rectification. II. The Basic Argument 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

#### To own yourself and use your own freedom is to be able to interact with external objects. Anything else makes you unable to exercise your own freedom on other things and creates a contradiction.

Feser 2, (Edward Feser, 1-1-2005, accessed on 12-15-2021, Cambridge University Press, "THERE IS NO SUCH THING AS AN UNJUST INITIAL ACQUISITION | Social Philosophy and Policy | Cambridge Core", Edward C. Feser is an American philosopher. He is an Associate Professor of Philosophy at Pasadena City College in Pasadena, California. [https://www.cambridge.org/core/journals/social-philosophy-and-policy/article/abs/there-is-no-such-thing-as-an-unjust-initial-acquisition/5C744D6D5C525E711EC75F75BF7109D1)[brackets](https://www.cambridge.org/core/journals/social-philosophy-and-policy/article/abs/there-is-no-such-thing-as-an-unjust-initial-acquisition/5C744D6D5C525E711EC75F75BF7109D1)%5bbrackets) for gen lang]//phs st

There is. An alternative, soft-line approach could acknowledge that the initial acquirer who abuses a monopoly over a water hole (or any similar crucial resource) does commit an injustice against those who are disad- vantaged, but such an approach could still hold that the acquirer never- theless has not committed an injustice in acquisition —his acquisition was, as I have said, neither just nor unjust. Nor does he fail to own what he has acquired; he still cannot be said to have stolen the water from anyone. Rather, his injustice is an unjust use of what he owns, on a par with the unjust use I make of my self-owned fist when I wield it, unprovoked, to bop you on your self-owned nose. In what sense does the water-hole owner use his water unjustly, though? He doesn’t try to drown anyone in it, after all— indeed, the whole problem is that he won’t let anybody near it! Eric Mack gives us the answer we need in what he has put forward as the “self-ownership proviso” (SOP).28 This is a proviso not (as the Lock- ean proviso is) on the initial acquisition of property, but rather on how one can use his property in a way that respects others’ self-ownership rights. It is motivated by consideration of the fact that the talents, abilities, capac- ities, energies, etc., that a person rightfully possesses as a self-owner are inherently “world-interactive”; that is, it is of their very essence that they are directed toward the extra-personal environment.29 Your capacity to use your hand, for instance, is just a capacity to grasp and manipulate external objects; thus, what you own in owning your hand is something essentially grasping and manipulating.30 Now if someone were to cut off your hand or invasively keep you from using it (by tying your arm against your body or holding it behind your back), he would obviously be violating your self-ownership rights. But there are, Mack suggests, other, noninvasive ways in which those rights might be violated. If, to use an example of Mack’s, I effectively nullify your ability to use your hand by creating a device that causes anything you reach for to be propelled beyond your grasp, making it impossible for you ever to grasp or manip- ulate anything, I have violated your right to your hand as much as if I had cut it off or tied it down. I have, in any case, prevented your right to your hand from being anything more than a formal right, one that is practically useless. In the interests of guaranteeing respect for substantive, robust rights of self-ownership, then, “[t]he SOP requires that persons not deploy their legitimate holdings, i.e., their extra-personal property, in ways that severely, albeit noninvasively, disable any person’s world-interactive powers.” 31 The SOP follows, in Mack’s view, from the thesis of self-ownership itself; or, at any rate, the considerations that would lead anyone to accept that thesis should also, in his view, lead one to accept the proviso.32 A brief summary of a few of Mack’s thought experiments should suffice to give a sense of why this is so.33 In what Mack calls the Adam’s Island example, Adam acquires a previously uninhabited island and later refuses a shipwrecked Zelda permission to come ashore, as a result of which she remains struggling at sea (and presumably drowns). In the Paternalist Caging example, instead of drowning, Zelda becomes caught offshore in a cage Adam has constructed for catching large sea mammals, and, rather than releasing her, Adam keeps her in the cage and feeds her regularly. In the Knuckle-Scraper Barrier example, Zelda falls asleep on some unowned ground, whereupon a gang of oafish louts encircles her and, using their bodies and arms as barriers, refuses to let her out of the circle (accusing her of assault if she touches them in order to climb over or break through). In the Disabling Property Barrier example, instead of a human barrier, Adam constructs a plastic shield over and around the unowned plot of ground upon which Zelda sleeps, accusing her of trespassing upon his property when she awakens and tries to escape by breaking through the plastic. And in the (similarly named) Disabling Property Barriers example, seem to suggest an Aristotelian-Thomistic conception of natural function, and though this by no means troubles me, it might not be what Mack himself has in mind (nor, of course, is it something every philosopher is going to sympathize with). Mack’s view nevertheless seems to require something like this conception. And something like it —enough like it to do the job Mack needs to be done, anyway—is arguably to be found in Larry Wright’s well- known reconstruction, in modern Darwinian terms, of the traditional notion of natural function. See Larry Wright, “Functions,” Philosophical Review 82, no. 2 (1973): 139–68. Adam, instead of enclosing Zelda in a plastic barrier, encloses in plastic barriers every external object that Zelda would otherwise be able to use — thus, in effect, enclosing her in a larger, all-encompassing plastic barrier of a more eccentric shape. In all of these cases, Mack says, although Zelda’s formal rights of self-ownership have not been violated—no one has invaded the area enclosed by the surface of her skin —her rights over her self-owned powers, and in particular her ability to exercise those powers, have nevertheless been nullified. But a plausible self-ownership- based theory surely cannot allow for this. It cannot, for instance, allow the innocent Zelda justly to be imprisoned in any of the ways described! If Mack is right, then it seems we have, in the SOP, grounds for holding that a water-hole monopolist would indeed be committing an injustice against anyone he refuses water to, or to whom he charges exorbitant prices for access. The injustice would be a straightforward violation of a person’s rights to self-ownership, a case of nullifying a person’s self- owned powers in a way analogous to Adam’s or the knuckle-scrapers’ nullification of Zelda’s self-owned powers. It would not be an injustice in initial acquisition, however. The water-hole monopolist still owns the water hole as much as he ever did; he just cannot use it in a way that violates other individuals’ self-ownership rights (either by drowning them in it or by nullifying their self-owned powers by denying them access to it when there is no alternative way for them to gain access to the water necessary for the use of their self-owned powers). Is Mack right? The hard-liner might dig in his heels and insist that none of Mack’s examples amount to self-ownership-violating injustices; instead, they are merely subtle but straightforward property rights violations or cases of moral failings of various other sorts (cruelty, selfishness, etc.). The Adam’s Island case, for starters, is roughly analogous to the example of the water-hole monopolist, so that it arguably cannot give any non-question- begging support to the SOP, if the SOP is then supposed to show that the water-hole example involves an injustice. The Disabling Property Barriers case might also be viewed as unable to provide any non-question-begging support, since Adam’s encasing everything in plastic might plausibly be interpreted as his acquiring everything, in which case we are back to a water-hole-type monopoly example. The Knuckle-Scraper Barrier and Dis- abling Property Barrier examples might be explained by saying that in falling asleep on the unowned plot of land, Zelda in effect has come (at least temporarily) to acquire it, and (by virtue of walking) to acquire also the path she took to get to it, so that the knuckle-scrapers and Adam violate her property rights (not her self-ownership rights) in not allowing her to escape. The Paternalist Caging example can perhaps be explained by arguing that in building the cage, Adam has acquired the water route leading to it, so that in swimming this route (and thus getting caught in the cage) Zelda has violated his property rights and, therefore, can justly be caged. Accordingly, the hard-liner might insist, we can explain all of these examples in a hard-line way and thus avoid commitment to the SOP. Such a hard-line response would be ingenious (well, maybe), but still, I think, ultimately doomed to failure. Can the Paternalist Caging example, to start with, plausibly be explained away in the manner that I have suggested? Does Adam commit no injustice against Zelda even if he never lets her out? It will not do to write this off merely as a case of excessive punishment (explaining the injustice of which would presumably not require commitment to the SOP). For suppose Adam says, after a mere five minutes of confinement, “I’m no longer punishing you; you’ve paid your debt and are free to go, as far as I’m concerned. But I’m not going to bother exerting the effort to let you out. I never forced you to get in the cage, after all —you did it on your own —and you have no right to the use of my self-owned cage-opening powers to fix your mistake! So teleport out, if you can. Or get someone else —if you can find someone —to let you out.” Adam would be neither violating Zelda’s rights to external property nor excessively punishing her in this case; nor would he be invasively vio- lating her self-ownership rights. But wouldn’t he still be committing an injustice, however noninvasively? Don’t we need something like the SOP to explain why this is so? The barrier examples, for their part, do not require Zelda’s walking and falling asleep on virgin territory, which thus (arguably) becomes her prop- erty. We can, to appeal to the sort of science-fiction scenario beloved of philosophers, imagine instead a bizarre chance disruption of the structure of space-time that teleports Zelda into Adam’s plastic shell or into the midst of the knuckle-scrapers. There is no question now of their violating her property rights; yet don’t they still commit an injustice by nullifying her self-owned powers in refusing to allow her to exit? Consider a parallel example concerning property ownership itself. If your prized $50,000 copy of Captain America Comics number 1, due to another rupture in space-time or just to a particularly strong wind that blows it out of your hands and through my window, suddenly appears on the floor of my living room, do I have the right to refuse to bring it back out to you or to allow you to come in and get it? Suppose I attempt to justify my refusal by saying, “I won’t touch it, and you’re free to have it back if you can arrange another space-time rupture or gust of wind. But I refuse to exert my self-owned powers to bring it out to you, or to allow you on my property to get it. I never asked for it to appear in my living room, after all!” Would anyone accept this justification? Doesn’t your property right in the comic book require me to give it back to you? The hard-liner might suggest that this example transports the SOP advocate out of the frying pan and into the fire. For if the SOP is true, wouldn’t we also have to commit ourselves to a “property-ownership proviso” (POP) that requires us not to nullify anyone’s ability to use his external private property in a way consistent with its “world-interactive powers”? If I build a miniature submarine in my garage, and you have the only swimming pool within one thousand miles, must you allow me the use of your pool lest you nullify my ability to use the sub? If (to take an example of Cohen’s cited by Mack) I own a corkscrew, must I be provided with wine bottles to open lest the corkscrew sadly fail to fulfill its full potential?34 Mack’s response to this line of thought seems basically to amount to a bit of backpedaling on the claim that his proviso really follows from the notion of self-ownership per se —so as to avoid the conclusion that a (rather unlibertarian and presumably redistributionist) POP would also, in par- allel fashion, follow from the concept of property ownership. His response seems, instead, to emphasize the idea that the considerations favoring self-ownership also favor, via an independent line of reasoning, the SOP.35 In my view, however, a better response would be one that took note of some relevant disanalogies between property in oneself and property in external things. Note first that the self-owned world-interactive powers, the possible use of which the SOP is intended to guarantee, are possessed by a living being who is undergoing development, which involves passing through various stages; therefore, these powers are ones that flourish with use and atrophy or even disappear with disuse.36 To nullify these powers even for a limited time, then, is (very often at least) not merely temporarily to inconvenience their owner, but, rather, to bring about a permanent reduc- tion or even disablement of these powers. By contrast, a submarine (or a corkscrew) retains its powers even when left indefinitely in a garage (or a drawer). This difference in the effect that nullification has on self-owned powers versus extra-personal property plausibly justifies a difference in our judgments concerning the acceptability, from the point of view of justice, of such nullification in the two cases; that is, it justifies adoption of the SOP but not of the POP.37 Second, there is an element of choice (and in particular, of voluntary acquisition) where extra-personal property is concerned that is morally relevant here. One’s self-owned powers, along with the SOP-guaranteed right to the non-nullification of those powers, are not something one chooses or acquires; one just has them —indeed, to a great degree one just is the constellation of those powers, abilities, etc.—and owns them fully. By contrast, extra-personal property is something one chooses to acquire or not to acquire, and as we have seen, one always acquires property rights in various degrees, from partial to full ownership—and this would include the rights guaranteed by a POP. If one chooses to acquire a corkscrew under conditions where wine bottles are unavailable, or are even likely at some point to become unavailable, one can hardly blame others if one finds oneself bottle-less. To fail to acquire POP-like rights regarding the corkscrew (by, say, contracting with someone else to provide one with wine bottles in perpetuity) is not the same thing as to have those rights and then have them violated. Someone who buys a corkscrew and then finds that he cannot use it is like the person who acquires only partial property rights in a water hole that others have already acquired partial use rights over. He cannot complain that his co-owners have violated his rights; he never acquired those other rights in the first place. Similarly, the corkscrew owner cannot complain that he has no bottles to open; he never acquired the right to those bottles, only to the corkscrew. If full ownership of a corkscrew requires POP-like rights over it, then all that follows is that corkscrew owners who lack bottles are not full owners of their corkscrews.

#### Thus, self-ownership justifies the appropriation of property – our freedom necessitates being able to set and pursue external things as our ends, including exercising our rights on property. Restricting this arbitrarily limits our freedom which is unjust.

Feser 3, (Edward Feser, 1-1-2005, accessed on 12-15-2021, Cambridge University Press, "THERE IS NO SUCH THING AS AN UNJUST INITIAL ACQUISITION | Social Philosophy and Policy | Cambridge Core", Edward C. Feser is an American philosopher. He is an Associate Professor of Philosophy at Pasadena City College in Pasadena, California. [https://www.cambridge.org/core/journals/social-philosophy-and-policy/article/abs/there-is-no-such-thing-as-an-unjust-initial-acquisition/5C744D6D5C525E711EC75F75BF7109D1)[brackets](https://www.cambridge.org/core/journals/social-philosophy-and-policy/article/abs/there-is-no-such-thing-as-an-unjust-initial-acquisition/5C744D6D5C525E711EC75F75BF7109D1)%5bbrackets) for gen lang]//phs st

V. Some Implications If what I have argued so far is correct, then the way is opened to the following revised case for strongly libertarian Lockean-Nozickian prop-erty rights: We are self-owners, having full property rights to our body parts, powers, talents, energies, etc. As self-owners, we also have a right, given the SOP, not to have our self-owned powers nullified —we have the right, that is, to act within the extra-personal world and thus to acquire rights to extra-personal objects that the use of our self-owned powers requires.39 This might involve the buying or leasing of certain rights or bundles of rights and, correspondingly, the acquiring of lesser or greater degrees of ownership of parts of the external world, but as long as one is able to exercise one’s powers to some degree and is not rendered incapable of acting within that world, the SOP is satisfied. In any case, such rights can only be traded after they are first established by initial acquisition. In initially acquiring a resource, an agent does no one an injustice (it was unowned, after all). Furthermore, [they] has mixed [their] labor with the resource, significantly altering it and/or bringing it under his control, and is himself solely responsible for whatever value or utility the resource has come to have. Thus, [they] has a presumptive right to it, and, if his control and/or alteration (and thus acquisition) of it is (more or less) complete, his own- ership is accordingly (more or less) full. The system of strong private property rights that follows from the acts of initial acquisition performed by countless such agents results, as a matter of empirical fact, in a market economy that inevitably and dramatically increases the number of resources available for use by individuals, and these benefited individuals include those who come along long after initial acquisition has taken place. (Indeed, it especially includes these latecomers, given that they were able to avoid the hard work of being the first to “tame the land” and draw out the value of raw materials.)40 The SOP is thus, in fact, rarely, if ever, violated. The upshot is that a system of Lockean-Nozickian private property rights is morally justified, with a strong presumption against tampering with exist- ing property titles in general. In any case, there is a strong presumption against any general egalitarian redistribution of wealth, and no case what- soever to be made for such redistribution from the general theory of prop- erty just sketched, purged as it is of the Lockean proviso, with all the egalitarian mischief-making the proviso has made possible.

## Case

#### Utilitarianism fails. Cleveland.

[Cleveland, Paul A. “The Failure of Utilitarian Ethics in Political Economy.” Independent Institute. <https://www.independent.org/publications/article.asp?id=1602>. Published 1 September 2002] SHS ZS

A. The Problem of Making Interpersonal Comparisons Among the many difficulties encountered in Bentham?s approach, the first is that **it is impossible to make interpersonal comparisons**. It is a well-known fact that different **people have different tastes**. In addition, there are differences in personalities and talents that different people possess **and these differences give rise to differences in** their **goals** and ambitions. All these variations in turn give rise to a fundamental fact of human existence. Namely, that **it is impossible** for us **to** know or **measure the extent of either pleasure or pain for any specific person** in any particular situation. Such measures are beyond the capacity of our ability to know. **While human beings can** most certainly **empathize** with someone who is experiencing extreme hardship or enjoying great success, such **efforts are only accomplished by projecting one’s own inward feelings to someone else’s** circumstance. One person simply cannot accurately know the depth of another person’s pain nor the height of his joy. While Bentham at least recognized this problem, it did not discourage him from his ultimate pursuit. Instead, he continued to promote his new ethical philosophy and argued that it was the only way that we could go. Therefore, he pressed for a way to measure happiness. While he was never able to arrive at such a measure, he remained confident that one would soon be developed and even used the term utils as the units in which it would be measured. Economists have long since given up on the search for a cardinal measure of utility. Strangely enough however, welfare economists continue to act as if we can actually accomplish the impossible task by attempting to measure deadweight losses within the context of modern price theory. It is the rise in the prominence of welfare analysis that has given **utilitarianism** a standing in modern policy debates. However, such efforts **cannot escape the reality that** such **measures cannot be made**. With no adequate way to measure utility in order to make the necessary interpersonal comparisons, all such policy arguments are reduced to contests where each side claims that the rewards to be received by them would greatly outweigh whatever pain might be incurred by those who are forced to bear the costs. B. An Inadequate Conception of Human Nature Another problem with **utilitarianism** is that it **has a very narrow conception of what it means to be a human being**. Within Bentham’s view, human beings are essentially understood to be passive creatures who respond to the environment in a purely mechanical fashion. As such, **there are no “bad” motives, only “bad” calculations**. In these terms, **no person is responsible for his or her own behavior.** In effect, the idea being promoted is that human action is essentially the same as that of a machine in operation. **This** notion **reduces a human thought to** nothing more **than a series of bio-chemical reactions**. Yet, if this is true, **then there is no meaning to human thought or human action and all human reason is reduced to the point of being meaningless**.[[6]](https://www.independent.org/publications/article.asp?id=1602" \l "_ftn6" \o ") Beyond this problem, it also seems a little absurd to argue that since all human beings seek pleasure and avoid pain, that we can conclude that such a fact ought then be used as the foundation upon which an ethical theory ought to be constructed. As Opitz points out, **Words like pleasure** happiness, or satisfaction **are** what might be called “**container words**.” **They are words needing a content,** like the word “assistant.” When someone tells you he is an assistant, you are told nothing about his actual job. All you know is that he is not an executive. To make it specific, the job of being an assistant needs some entity to hook up with. Similarly, happiness or pleasure. **There is no such entity as pleasure or happiness**; these are mental states which may be associated with many different things.[[7]](https://www.independent.org/publications/article.asp?id=1602" \l "_ftn7" \o ") Since this is true, **pleasure cannot be the goal of human action in and of itself**. **It is simply the by-product** of human action which is actually aimed at the attainment of some specific goal or end. To be sure, people rarely seek to refine their tastes by considering such qualitative issues until they are well fed, clothed, and housed, but that fact does not mean that such issues are unimportant. Even that great proponent of utilitarianism, J. S. Mill, came to understand this point. As a result, he too began to recognize that happiness was not something that could be had directly and tried to introduce qualitative factors into his utilitarianism. Regrettably, Mill did not press the implication of this insight to its final conclusion. If he had, he would have abandoned his utilitarianism in favor of some other ethical philosophy. The reason why this is so is that **an effort to include qualitative factors into one’s ethical thinking** necessarily **requires an appeal to some ideal**. That is, Mill must have in mind some concept or idea of what human beings ought to be, rather than what they in fact are, if he is going to include qualitative factors in his analysis. When this is done, one is forced back into the mode of the traditional ethical philosophies that existed prior to the utilitarian project. If one has an ideal of what men should be, then that ideal establishes a standard of moral behavior apart from the pursuit of pleasure itself. As Copleston comments on the matter: Hence **there must be a standard of excellence**; and this is not fully worked out. The relevant point in the present context, however, is not Mill’s failure to elaborate a theory of human nature. Rather is it the fact that he grafts on to Benthamism a moral theory which has little or nothing to do with balancing of pleasures and pains according to the hedonistic calculus of Bentham, and that he does not see the necessity of subjecting his original starting-point to a thorough criticism and revision.[[8]](https://www.independent.org/publications/article.asp?id=1602" \l "_ftn8" \o ") C. The Fallacy of Composition A final problem with **utilitarianism** that ought to be mentioned is that it **is subject to** being criticized because of **a** potential **fallacy of composition**. **The common good is not** necessarily **the sum of the interests of individuals**. In their book, A History of Economic Theory and Method, Ekelund and Hebert provide a well-conceived example to demonstrate this problem. They write: **It is** presumably **in the** general **interest of American society to have every automobile** in the United States **equipped with** all **possible safety devices**. **However**, a majority of **individual car buyers may not be willing to pay the cost** of such equipment in the form of higher auto prices. **In this case, the collective interest does not coincide with the sum of the individual interests.** The result is a legislative and economic dilemma. [[9]](https://www.independent.org/publications/article.asp?id=1602" \l "_ftn9" \o ") Indeed, individuals prone to political action, and held under the sway of utilitarian ethics, will likely be willing to decide in favor of the supposed collective interest over and against that of the individual. But then, **what happens to individual human rights**? Are they not sacrificed and set aside as unimportant? In fact, this is precisely what has happened. In democratic countries the destruction of human liberty that has taken place in the past hundred years has occurred primarily for this reason. In addition, **such thinking largely** **served as** the **justification for the mass murders of millions** **of innocent people in communist countries** where the leaders sought to establish the “workers’ paradise.” To put the matter simply, utilitarianism offers no cohesive way to discern between the various factions competing against one another in political debates and thus fails to provide an adequate guide for ethical human action. The failure of utilitarianism at this point is extremely important for a whole host of policy issues. Among them, the issue of the government’s provision of public goods is worth our consideration.

#### That you only have a single body that cannot carry out contradictory movements serves to disprove Parfit’s split brain argument.

Korsgaard Korsgaard, Christine. 1989. Personal identity and the unity of agency: A Kantian response to Parfit. Philosophy and Public¶ Affairs 18, no. 2: 101-132.

Your conception of yourself as a unified agent is not based on a metaphysical theory, nor on a unity of which you are conscious. Its grounds are practical, and it has two elements. First, there is the raw necessity of eliminating conflict among your various motives. In making his argument for Reductionism, Parfit appeals to a real-life example which has fascinated contemporary philosophers: persons with split brains.(245-246) When the corpus callosum, the network of nerves between the two hemispheres of the brain, is cut, the two hemispheres can function separately. 19 In certain experimental situations, they do not work together and appear to be wholly unconscious of each other's activities. These cases suggest that the two hemispheres of the brain are not related in any metaphysically deeper way than, say, two people who are married. They share the same quarters and, with luck, they communicate. Even their characteristic division of labor turns out to be largely conventional, and both can perform most functions. So imagine that the right and left halves of your brain disagree about what to do. Suppose that they do not try to resolve their differences, but each merely sends motor orders, by way of the nervous system, to your limbs. Since the orders are contradictory, the two halves of your body try to do different things. 20 Unless they can come to an agreement, both hemispheres of your brain are ineffectual. Like parties in Rawls's original position, they must come to a unanimous decision somehow. You are a unified person at any given time because you must act, and you have only one body with which to act.