#### The metaethic is constitutivism – ethics must be derived from immutable features of agency

#### Ethics motivated internally fail since they don’t generate universal obligations. Ethics motivated externally fail since they generate nonbinding obligations and beg the question of why these obligations exist and why we care. Constitutivism solves because agency is definitionally universal and binding – it’s inescapable.

#### Practical reason is constitutive of agency – you can shift between different identities, but the only temporally constant feature is your ability to choose. Attempting to escape practical reason is incoherent because you use practical reason to choose to escape it – that’s circular.

#### That justifies a right to freedom – there are no a priori distinctions between agents, so because I am a practical reasoner, I understand a priori knowledge like 2+2 is 4 but I also understand other practical reasoners can arrive at the same conclusion. Thus, only maxims that can apply to all agents in all situations are constitutive of agency. Otherwise, there would be instances in which it is incoherent. Violations of freedom are non-universalizable because to violate someone’s freedom, you must have your own freedom to do so.

#### The role of the state is to protect freedom – without the state there would be no mechanism to guarantee equal freedom. People cannot exclude themselves from the law because that would directly be willing coercion.

#### Thus the standard is consistency with a system of equal and outer freedoms.

#### Prefer additionally:

#### [1] Solves oppression because it is caused by arbitrary exclusion of others – only universalizability makes sure that we include everyone equally. Farr 02

Farr, Arnold. Can a Philosophy of Race Afford to Abandon the Kantian Categorical Imperative? 2002, blog.ufba.br/kant/files/2009/12/Can-a-Philosophy-of-Race-Afford-to-Abandon-the.pdf. from ben

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 empirical 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 individual 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.

#### [2] A priori ethics are the only stable epistemology –

#### A] Cartesian Skep – there’s no way of verifying the truth of our experience since we could be getting tricked by an evil demon. Only a priori ethics avoid this because they are not derived empirically

#### b] Uncertainty – every person has different experiences so we can’t have a unified perspective on the good if we have different conceptions of it. Aggregation doesn’t solve because there will be times it fails.

#### c] Prerequisite – in order to interpret space around us we need to represent it in the a priori.

#### [3] Practical reason hijacks –

#### a] Regress – any principle can be infinitely questioned which proves its base non-binding but only reason solves because when you question something you concede to the authority of reason

#### b] Action theory – any action can be split into infinite smaller actions. When I am moving my arm it is infinitely small connected movements. Only the intentionality of the action can solves meaning intentions outweigh.

#### c] Hijacks – when we set ends we attempt to achieve what is good, so we must regard the capacity to set and pursue ends as intrinsically valuable.

#### I’ll defend the status quo.

#### 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 05, (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

# Case

#### [1] Under truth testing, only evaluate arguments linking back to an ethical framework 1. Incentivizes a substantive debate or framework debate rather than a blippy tircks debate 2. There is no academic contestation or literature about anything other than the morality of an action, not about the word resolved or conditional logic.

#### [2] Permissibility negates because the aff is asked to prove it unjust, and proving appropriation just or neutral is enough to disprove it’s unjust

#### [3] RVIs on 1ar theory because its key to check back against a 1ar restart that intentionally sets bad norms for debate, also I allocated time on theory so it makes up for the Time skew.

Kymball 19 [Daryl Kymball. . “The Outer Space Treaty at a Glance”. 4-15-2019. No Publication. https://www.armscontrol.org/factsheets/outerspace. Accessed 1-15-2022]

The 1967 Outer Space Treaty bans the stationing of weapons of mass destruction (WMD) in outer space, prohibits military activities on celestial bodies, and details legally binding rules governing the peaceful exploration and use of space. The treaty entered into force Oct. 10, 1967, and has 110 states-parties, with another 89 countries that have signed it but have not yet completed ratification. Treaty Terms The treaty forbids countries from deploying "nuclear weapons or any other kinds of weapons of mass destruction" in outer space. The term "weapons of mass destruction" is not defined, but it is commonly understood to include nuclear, chemical, and biological weapons. The treaty, however, does not prohibit the launching of ballistic missiles, which could be armed with WMD warheads, through space. The treaty repeatedly emphasizes that space is to be used for peaceful purposes, leading some analysts to conclude that the treaty could broadly be interpreted as prohibiting all types of weapons systems, not just WMD, in outer space. The treaty's key arms control provisions are in Article IV. States-parties commit not to: Place in orbit around the Earth or other celestial bodies any nuclear weapons or objects carrying WMD. Install WMD on celestial bodies or station WMD in outer space in any other manner. Establish military bases or installations, test "any type of weapons," or conduct military exercises on the moon and other celestial bodies. Other treaty provisions underscore that space is no single country's domain and that all countries have a right to explore it. These provisions state that: Space should be accessible to all countries and can be freely and scientifically investigated. Space and celestial bodies are exempt from national claims of ownership. Countries are to avoid contaminating and harming space or celestial bodies. Countries exploring space are responsible and liable for any damage their activities may cause. Space exploration is to be guided by "principles of cooperation and mutual assistance," such as obliging astronauts to provide aid to one another if needed. Like other treaties, the Outer Space Treaty allows for amendments or member withdrawal. Article XV permits countries to propose amendments. An amendment can only enter into force if accepted by a majority of states-parties, and it will only be binding on those countries that approve the amendment. Article XVI states a country's withdrawal from the treaty will take effect a year after it has submitted a written notification of its intentions to the depositary states: the United States, Russia, and the United Kingdom. History