# Universal Freedom

### Permissibility and Presumption affirms:

**[A] Logic – Negating an obligation requires proving a prohibition. That is, to negate an action one would have to provide proactive reasoning as to why that action was wrong. In the absence of prohibitions, that affirms.**

**[B] Freezes action – requiring pro-active justification for all our actions would make it impossible to make morally neutral claims like ‘I ought to drink water’ which means we always assume we can take an action absent a proactive reason not to.**

**[C] Constitutiveness – the negative’s only role is to negate the aff. If they haven’t done that through proving a moral obligation against affirming, they have not met their burden which affirms**

**[D] Epistemology – If we presumed neg then nobody would be able to start any strand of reasoning since we would question everything infintely**

#### The metaethic is constitutivism.

Internalist ethics fail since they can’t have universal obligations which means not everybody has the same conception of morality

Externalist ethics fail since it is completely nonbinding and doesn’t motivate agents since it begs the question of why they exist and why we care.

The solution is constitutivism which derives ethics from the immutable features of agents.

And, practical reason is constitutive.

#### [1] Regress – every moral theory can be infinitely questioned which proves its base nonbinding since any agent can opt out of it. Reason solves since asking for a reason concedes its authority. Bindingness matters since otherwise morality would be optional and cannot explain goodness.

#### [2] Hijacks – All actions concede reason since to obtain goodness, you need to be able to take action and set and pursue ends meaning reason is the source of all value.

#### [3] Is/Ought Gap – experience just describes how the world is but doesn’t indicate how it ought to be which means there must be an a priori conception of good

#### [4] Agency is inescapable – we can shift between different identities over time but that shift is an instance of agency, and it also takes practical reason to see which enterprises are most desirable.

#### Thus, we share a unified perspective – everyone around me must arrive at the same conclusions through the use of reason. It’s incoherent to say 2+2=4 for me but not you.

#### However, freedom is a necessary right because violating someone’s freedom creates a contradiction in conception. We cannot will the extension of our freedom since it justifies others doing it to us

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

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

#### And, All agents must accept the state as necessary to enforce rights claims.

**Ripstein 04** [Arthur Ripstein, (University Professor of Law and Philosophy, [University of Toronto](https://scholar.google.com/citations?view_op=view_org&hl=en&org=8515235176732148308)) "Authority and Coercion" Philosophy & Public Affairs, 32: 2–35, 2004, http://onlinelibrary.wiley.com/doi/10.1111/j.1467-6486.2004.00003.x/abstract, DOA:12-16-2017 // WWBW//recut]

Kant explains **the need for** the three branches of **government** in Rousseau’s vocabulary **of the “general will.” Kant finds this concept helpful, since it manages to capture the way in which the specificity of the law and the monopoly on [the law’s] its enforcement do not thereby make it the unilateral imposition of one person’s will upon another. Instead, it is what Kant calls an “omnilateral” will, since all must agree to set up procedures that will make right possible**. All must agree, because **without such procedures, equal freedom is impossible**, and so the external freedom of each is impossible. But the sense in which they must agree is not just that they should agree**; it is that they cannot object to being forced to accept those procedures, because any objection would be nothing more than an assertion of the right to use force against others unilaterally.** Once the concept of the General Will is introduced, it provides further constraints on the possibility of a rightful condition, and even explains the ways in which a state can legitimately coerce its citizens for reasons other than the redress of private wrongs. Kant’s treatment of these issues of “Public Right” has struck many readers as somewhat perfunctory, especially after his meticulously detailed, if not always transparent, treatment of private right. He treats these issues as he does because he takes them to follow directly from the institution of a social contract. The details of his arguments need not concern us here, because he does not claim that these exhaust the further powers of the state. Instead, he puts them forward as additional powers a state must have if it is to create a rightful condition, and it is the structure of that argument that is of concern here.

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

#### Impact Calc:

#### The standard is non consequentialist so the state has no right to try to predict rights violations, it can only punish ongoing ones since it doesn’t understand intent. Prefer for action theory – any action can be split into infinite smaller actions. When I am eating a sandwich it is infinitely small movements of my arm. Only reason unifies those actions. This is necessary for ethics because it requires a judgement of a coherent action.

#### Prefer additionally:

#### [1] Consequentialism fails – A] Induction fails – 1. saying that induction works relies on induction itself because it assumes that past trends will continue, which means it’s circular and unjustified 2. It assumes specific causes of past consequences which can’t be verified as the actual cause B] Butterfly effect - every action has infinite consequences so it is impossible to evaluate an action; one government policy could end up causing nuclear war in a million years. C] Aggregation is impossible – pleasure and pain are subjective – we have no idea how many headaches equal a migraine D] Infinite obligations – I have infinite obligations to maximize pleasure with no way to order them which freezes action.

#### [2] Performativity – contesting the fw needs freedom which concedes its authority since you couldn’t do it without freedom.

#### I defend the resolution as a general principle – resolved: the member nations of the wto ought to reduce intellectual property protections for medicines. I am willing to shift my advocacy in cx as long as I don’t have to abandon my maxim.

#### Offense:

#### Under the fw, freedom is the base of all rights. If the aff proves intellectual property rights is not a necessary extension of freedom, then it is a violation of equal and outer freedoms because IP protections coercively prevent people from making certain medicines.

#### Affirm:

#### Property only exists as an extension of one’s right to set and pursue ends which means it can only apply to physical objects – your use of intellectual property could never hinder my freedom because both of us can use it!

**Ripstein 09** Ripstein, Arthur. University Professor of Law and Philosophy, [University of Toronto](https://scholar.google.com/citations?view_op=view_org&hl=en&org=8515235176732148308). "Force And Freedom." Harvard University Press. 2009. <http://www.jstor.org/stable/j.ctt13x0hb0>. [Premier].

The nature of a property right is structured by the basic requirement of a system of equal freedom in a world in which free persons can use things other than their bodies to set and pursue their purposes. That is why, as we saw in the previous chapter, property rights constrain others in ways parallel to the way rights to your own person constrain others. Your body is your person, and it constrains others because it is that through which you act, your capacity to set and pursue purposes, and any interference with your body interferes with that capacity [to act]. Your property constrains others because it comprises the external means that you use in setting and pursuing purposes; if someone interferes with your property, he thereby interferes with your purposiveness. The same point can be made through the distinction, from Chapter 2, between a person’s means and the context in which that person uses them. A changed context raises no issues of right, because it is the inevitable result of people’s exercise of their freedom. A system of property is a system in which persons have rights to means others than their bodily powers, and others may not change those means or their availability. If you could not have a right to something in your absence, everything except your bodily powers would be mere context, subject to the choice of others. The relation of property to setting and pursuing purposes underlies both its rationale and its structure. Freedom requires that external means that can be used in setting and pursuing purposes be available formally: an owner’s entitlement to use them does not depend on the matter of the owner’s or any other particular person’s choice. For the same reason, a property right needs to constrain others even when the owner is not in physical possession of an object. Otherwise whether an object was available to the owner to set and pursue purposes would depend on the particular choices of others, and so violate the formality condition. As a matter of fact, you may be able to set yourself the end of making a mushroom omelet without having rights to objects that are not in your physical possession, but you could not have an entitlement against others to set yourself the end of making one. If there were no such rights, someone else would be entitled to take the eggs you had gathered while you were sautéing the mushrooms, and you would not be entitled to do anything to stop her. Your entitlement to set and pursue purposes would thus depend on the particular choices made by another. Again, the fact that some other person needs or wants what you have more than you do, could use it more effectively than you, or could gain from using it more than you would lose is of no significance. The simplest wrong against property is using what belongs to another without the owner’s permission. Kant’s account explains why this is a wrong without inquiring into the magnitude of the loss (if any) suffered by the owner, or the benefits the trespasser hoped to gain. Any account that focuses on specific uses—the matter of choice—must regard such a rule as wasteful, since it forbids a transaction that makes one party better off and the other no worse off. In the vocabulary of economic theory, a harmless trespass is a Pareto improvement: one person is made better off, and no other person is made worse off.8 Perhaps a material analysis, focusing on need or wish, could generate a rule against trespass by reference to secondary problems about the resources people would waste in protecting their property, and so conclude that there are grounds for a general rule that sometimes prohibits people from doing harmless and even worthwhile things.9 Kant’s approach is different: the reason harmless trespasses are prohibited is that they violate the owner’s right to determine how his or her property will be used.

#### That affirms since property rights exist because if people took away your property, you lose the ability to use it to pursue ends. But, it doesn’t apply to intellectual property since other people can take your intellectual property and you can still use it.

#### Ownership requires physical possession and giving a sign which are both impossible for immaterial objects.

**Ripstein 09** Ripstein, Arthur. University Professor of Law and Philosophy, [University of Toronto](https://scholar.google.com/citations?view_op=view_org&hl=en&org=8515235176732148308). "Force And Freedom." Harvard University Press. 2009. <http://www.jstor.org/stable/j.ctt13x0hb0>. [Premier].

Kant’s account thus focuses exclusively on the transition in a thing’s status from unowned to owned, that is, the transition from its being available to all to its being subject to one person’s exclusive choice. The account is boring because the only factual precondition of rightful acquisition of an unowned object is empirical possession of that object. The act in question is simply bringing a thing under your control, so that you can now decide how to use it. Neither improving it nor putting your will into it is required. Improving it is not required because improving an object is only relevant once you have taken possession of it. Until you take possession, improving just fritters away your efforts. The same point applies to what Hegel describes as “putting your will” into an object, at least if this is understood as something different from simply taking possession of it. Wishing for a thing engages your will in a sense that is irrelevant; subjecting it to your choice—making it a means for setting and pursuing your purposes—is established only by taking control of it. Nothing more is required. All you need to do is take physical possession, and give a sign to others that you are doing so in order to have it as your means rather than just for a specific use. These steps are required because they are just the steps in subjecting a thing to your choice. You do not need to improve the object, because improving an object you are already in possession of is just subjecting it to your choice in some specific way. Unless it is already subject to your choice, however, the ways in which you change it—for example, by tiring it out—do not subject it to your choice. At most, they prepare it for subsequent use. Taking control must be public, and so Kant says it requires giving a sign. If others could not determine that you meant to bind them, you cannot bind them. You can use something on a particular occasion without acquiring it or even intending to. You might use a stick to balance as you walk up a rocky path without making it your own. It is not that you acquire it and then immediately abandon it. Instead, you use it only while you are in physical possession of it. In so doing, you make no claim to subject the thing to your choice when you are not in physical possession of it. The second unilateral act (strictly speaking, the second aspect of the same unilateral act) is “giving a sign”: you must make your appropriation of the object in question public, in the sense that others could be bound by it. If you are only using the stick to balance, you do not need to give a sign to others; the fact that you are in physical possession of the stick means that they cannot interfere with the stick while you are using it without thereby committing a wrong against your person. So no other person can grab the stick, making you lose your balance, but the wrong of so doing has nothing to do with the stick as such, and everything to do with the fact that you are currently holding it. On the other hand, if you give a sign, then the person who takes the stick from you wrongs you with respect to the stick as well, and so wrongs you by taking the stick when you put it down. It does not follow from the need for a sign that there needs to be a clear marker on every boundary line; only that in bringing the thing under control you make it apparent to others that you intend to make it your own.

#### Underview

#### 1] 1ar theory is good because its key to check 1nc abuse – otherwise the neg can read 50 aprioris with no recourse.

#### 2] Its dtd since 1AR is too short to substantively engage abusive positions and it’s a bigger time commitment for 4 minute 1ar.

#### 3] No RVIs because its illogical – you don’t win for being fair and it encourages baiting by reading abusive 1nc, and the 2nr has a 6 minute collapse to always win theory. Logic outweighs since it’s a litmus test on all arguments. RVIs make it all about theory and not about the topic since someone is going to win on theory. Outweighs – 2 months to learn topic. RVIs justify me putting an RVI on no RVIs – infinite regression. RVIs don’t let me get rid of the bad norm since I didn’t realize it was bad.

#### 4] Competing interps because it creates the best norms and is most reciprocal on time since I had to structure a shell so you do too and easiest to learn for novices since its intuitive

#### 5] aff theory first since neg theory has 13-7 or 6-3 time skew with the 2n collapse. You’d just win every round.