# Ripstein NC

## 1NC

### 1nc – f/w

#### Morality requires respecting humanity as an end in itself—other obligations are particulars that depend on contingent conditions, while standing as persons is more fundamental.

Stephen **Engstrom 08** [professor of philosophy. Before coming to the University of Pittsburgh in 1990, he taught at the University of Chicago and at Harvard], “Universal Legislation As the Form of Practical Knowledge”, 2008, BE

In addition to the idea of universal legislation as the form of practical cognition, there’s a related idea guiding Kant’s thinking about the constraints of pure practical reason that needs to be borne in mind when we consider how they apply in choice and action. Since the exercise of practical reason proceeds from the universal to the particular, the application of the formula of universal law should proceed in this direction as well. Thus in attempting to determine what obligations to other persons this principle of universality might support, we should first consider its application in the most primitive, or fundamental, exercise of the will, and to do this we will need to consider the most basic practical self-conception of a particular human person.11 It would be inappropriate, for example, to begin with duties that presuppose particular relations between the persons involved, such as the ties between citizens, family members, or friends. Such obligations, important though they are, depend upon specific, contingent conditions of action, whereas the cases we should consider first are those of duties that attach to us most fundamentally, merely in virtue of our standing as human persons, or subjects with wills, sharing the power of practical reason.

#### And, practical identities, such as debater or a friend, require that we value our own humanity.

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The Solution: Those who think that the human mind is internally luminous and transparent to itself think that the term “self-consciousness” is appropriate because what we get in human consciousness is a direct encounter with the self. Those who think that the human mind has a reflective structure use the term too, but for a different reason. The reflective structure of the mind is a source of “self-consciousness” because it forces us to have a conception of ourselves. As Kant argues, this is a fact about what it is like to be reflectively conscious and it does not prove the existence of a metaphysical self. From a third person point of view, outside of the deliberative standpoint, it may look as if what happens when someone makes a choice is that the strongest of his conflicting desires wins. But that isn’t the way it is for you when you deliberate. When you deliberate, it is as if there were something over and above all of your desires, something that is you, and that chooses which desire to act on. This means that the principle or law by which you determine your actions is one that you regard as being expressive of yourself. To identify with such a principle or law is to be, in St. Paul’s famous phrase, a law to yourself.6 An agent might think of herself as a Citizen in the Kingdom of Ends. Or she might think of herself as a member of a family or an ethnic group or a nation. She might think of herself as the steward of her own interests, and then she will be an egoist. Or she might think of herself as the slave of her passions, and then she will be a wanton. And how she thinks of herself will determine whether it is the law of the Kingdom of Ends, or the law of some smaller group, or the law of the egoist, or the law of the wanton that is the law that she is to herself. The conception of one’s identity in question here is not a theoretical one, a view about what as a matter of inescapable scientific fact you are. It is better understood as a description under which you value yourself, a description under which you find your life to be worth living and your actions to be worth undertaking. So I will call this a conception of your practical identity. Practical identity is a complex matter and for the average person there will be a jumble of such conceptions. You are a human being, a woman or a man, an adherent of a certain religion, a member of an ethnic group, someone’s friend, and so on. And all of these identities give rise to reasons and obligations. Your reasons express your identity, your nature; your obligations spring from what that identity forbids.

All our practical identities require that we value our own humanity --- to attach value to any identity means we must value ourselves as needing reasons to act and live we can shed every identity except for our human identity --- you cannot have reason to reject the value of the source of your moral reasons --- this means we must value humanity unconditionally --- the capacity to set ends for oneself. Too use this as a means to an end would make such contingent, and be incoherent.

#### Second, if an agent regards their purpose as important, they must regard the means as important, one of which is freedom. To deny that freedom is important would deny the purpose was important. If one willed the right to freedom existed only under certain conditions, lacking those conditions would mean lacking the right to freedom but any agent must view themselves as having freedom; any restrictive condition on people’s freedom is incoherent. Being an agent generates these rights.

#### One can never restrict the ends a subject can set as their means, because to be human is to autonomously set the ends. To treat humanity as an end requires one to respect the legislative right of agents to use their means as they see fit free of domination.

Arthur **Ripstein 09** [Professor of Law and Philosophy at the University of Toronto, and Chair of the Department of Philosophy], “Force and Freedom”, Harvard University Press, pgs 34-35, 2009, BE

You are independent if you are the one who decides what ends you will use your means to pursue, as opposed to having someone else decide for you. At the level of innate right, your right to freedom protects your purposiveness—your capacity to choose the ends you will use your means to pursue—against the choices of others, but not against either your own poor choices or the inadequacy of your means to your aspirations. You remain independent if nobody else gets to tell you what purposes to pur- sue with your means; each of us is independent if neither of us gets to tell the other what purposes to pursue.¶ This right to independence is not a special case of a more general in- terest in being able to set and pursue your purposes. Instead, it is a dis- tinctive aspect of your status as a person in relation to other persons, enti- tled to set your own purposes, and not required to act as an instrument for the pursuit of anyone else’s purposes. You are sovereign as against others not because you get to decide about the things that matter to you most, but because nobody else gets to tell you what purposes to pursue; you would be their subject if they did. Thus Kant’s conception of the right to independence rests on neither of what is referred to in recent lit- erature as “interest theory” or “will theory” of rights.9 Underlying the other differences between these accounts is a shared conception of rights as institutional instruments that constrain the conduct of others in order to protect things that matter apart from them. Kant’s account identifies a right with the restriction on the conduct of others “under universal law,” that is, consistent with everyone having the same restrictions. Each per- son’s entitlement to be independent of the choice of others constrains the conduct of others because of the importance of that independence, rather than in the service of something else, such as an interest in leading a suc- cessful, worthwhile, or fully autonomous life. Those things can be speci- fied without reference to the conduct of others, and constraining the con- duct of others is, at most, a useful way of securing them. If rights are understood in this instrumental way, they are always at least potentially conditional on their ability to secure the underlying values that they are supposed to protect. The Kantian right to independence, by contrast, is always an entitlement within a system of reciprocal limits on freedom, and so can only be violated by the conduct of others, and its only point is to prohibit that conduct. The protection of independence and the prohibi- tion of one person deciding what purposes another will pursue stand in a relation of equivalence, rather than one of means to an end. As a result, the constraint a system of equal freedom places on conduct is uncondi- tional. An unconditional constraint does not preclude the possibility of hindering the action of a person, or even of using lethal force to do so, because the unconditional right is not a right to a certain state of affairs, such as the agent staying alive. Instead, it is a right to act independently of the choice of others, consistent with the entitlement of others to do the same. The principle of mutual restriction under law applies uncondition- ally, because it is not a way of achieving some other end.¶ Your sovereignty, which Kant also characterizes as your quality of be- ing your “own master (sui juris),” has as its starting point your right to your own person, which Kant characterizes as innate. As innate, this right contrasts with any further acquired rights you might have, because innate right does not require any affirmative act to establish it; as a right, it is a constraint on the conduct of others, rather than a way of protecting some nonrelational aspect of you. It is a precondition of any acquired rights because those capable of acquiring them through their actions already have the moral capacity to act in ways that have consequences for rights, that is, for the conduct of others. That any system of rights presupposes some basic moral capacities that do not depend on antecedent acts on the part of the person exercising them does not yet say what the rights in question are, or how many such rights there might be.

#### Thus the standard is respecting liberty – defined as respecting the legislative right of agents to use their means as they see fit free of domination. To clarify,

#### 1] The framework is not concerned with availability of ends but a right to pursue them. I do not wrong you by buying the last jug of milk before you get to the store, leaving you use orange juice for your morning cereal. I violate if I legislate that you have no right to attempt to purchase milk as that subverts the ends to which you can direct your will.

### 1nc - F/w

#### Because states are legal fictions created for a scheme of social cooperation, obligations of states must derive from the people’s condition in the state of nature and the conditions that allow for the authority of the state. Pre-government people have an innate right to independence.

#### First, Agency is the fundamental enterprise involved in taking any action, whereby the agent submits to a normative reason for action. It’s impossible to reflect on whether we should exercise agency without already having engaged in the activity of agency. It follows that agency is the inescapable and universal across all rational agents. If the constitutive principle of agency is merely agency, then any valid practical judgment must be true *of* every practical agent and *for* every agent.

#### Furthermore, in tending toward any action, the agent must actually align herself with the pursuit of her end—you can’t decide to do A and not A at the same time, since that doesn’t make any decision at all. This involves willing compatible ends, which demands outer freedom because in tracking any end, you hold yourself to being able to reach it free from others’ choice, which requires that you will consistently with your freedom as a precondition for bringing about that end at all. Thus, any maxim that subjects one person to someone else’s choice is internally contradictory.

#### And, normative standards must be derived from the structure of action. If ethics had nothing to do with the action they’re being applied to, it would be impossible to attribute duties to rational agents since you could indefinitely question why you should abide by the reasons of external standards. But mine is internal to the act in question—not meeting it, is to not be the cause of any action at all. Furthermore, this situates moral reasons in agency, which explains my actions because I’m forced to identify myself as an agent. It requires me to abide by the requirements of agency, not contingent facts like desire.

#### This places the coercive state seemingly at a contradiction. However, freedom is only possible if agents jointly will a common end, i.e. system of reciprocal constraints; else people could arbitrarily infringe upon the pursuit of your respective ends. You can’t will yourself into a state of nature on pain of contradiction, since that would make the means of your action incompatible with the end. Thus, agents in willing any end at all are committed to willing a system of equal and outer freedom, that is, the state. This is the system of equal outer freedoms. Thus the standard is consistency with a system of equal outer freedoms.

### 1nc – F/w

#### Because states are legal fictions created for a scheme of social cooperation, obligations of states must derive from the people’s condition in the state of nature and the conditions that allow for the authority of the state. Pre-government people have an innate right to independence.

#### Pre-government, people have an innate right to freedom –

#### a. Agency is inescapable because by arguing that agency does not matter we are already engaging in acts of agency. It follows that agency is the inescapable and universal across all rational agents. If the constitutive principle of agency is merely agency, then any valid practical judgment must be true *of* every practical agent and *for* every agent.

#### b. Willing an action wills the means to that action – this demands outer freeomd because in trying to reach an end, you hold yourself to being able to reach it free from others’ choice, which requires that you will consistently with your freedom as a precondition for bringing about that end at all. Thus, any maxim that subjects one person to someone else’s choice is internally contradictory.

c. Ethics must be derived from the structure of action – otherwise rational agents could always question why they should abide by ethics at all. Deriving rules that are internal to acting, which is the principal activity of an agent,

#### Justifying the existence and bounds of state action precludes all debates about what the state ought to do – the state is a legal fiction created to facilitate social cooperation so its obligations must derive from the people’s condition in the state of nature.

### 1nc – contention 1

#### I contend that banning private ownership of handguns violates the independence of individuals.

#### The mere ownership of handguns doesn’t constitute a violation to another’s independence. While it may alter the environment you exist in, I do not subject your means to my own end.

Ripstein, (Arthur Ripstein, “Beyond the Harm Principle,” University of Toronto, http://www.law.utoronto.ca/documents/Ripstein/beyond\_harm\_principle.pdf//FT

Sovereignty can only be violated by the intentional deeds of others, because it is an interest in independence of those deeds. Thus it cannot be treated as just another vulnerability, to be added to the harm principle’s catalogue of protected interests. All of those interests can be set back by a variety of things other than intentional wrongdoing. If I wrong you intentionally, I do so culpably, because I have made my use or damage of your powers the means through which I pursue my purposes. I use you as a means, or make your means my own. My use of you is objectionable even if you are merely incidental to my purpose: I grab you and push you out of the way, or vent my frustration by hitting you. In either of these cases, you are an unwilling party to the transaction: I force you to participate in my pursuit of my petty purposes, either by forcing you to stand where I want you to, rather than where you were, or by volunteering you as my punching bag. Either way, subjecting your choice to mine is the means I use to get what I want; my act is objectionable because the means I use are properly subject to your choice, not mine. In so doing, I exercise despotism over you, and so treat you as though you were dependent on me. The sovereignty principle thus treats wrongdoing and culpability as expressions of a single idea.34 By contrast, if I use or damage what is yours by mistake or accident, you independence can be restored thought a civil remedy that requires me to restore your means, or the proceeds of their use.

#### That’s offense for me --- individual sovereignty is absolute --- any excess limitation on freedom is domination and inconsistent with a system of equal freedoms.

Ripstein, (Arthur Ripstein, “Beyond the Harm Principle,” University of Toronto, http://www.law.utoronto.ca/documents/Ripstein/beyond\_harm\_principle.pdf//FT

Finally, the sovereignty principle [warrants] gives defenders of the harm principle the thing that they want most, protection of individual freedom from interference by the state. The harm principle is often held out as a bulwark against paternalism, but the sovereignty principle offers a better account of why it is objectionable. Paternalism is objectionable when it is an exercise of despotism, in which one person sets limits on the purposes that another can pursue except to protect against domination. The fact that the despots in question act through an elected legislature doesn’t solve the problem. It just serves as a reminder, in case anyone needed one, that legislatures are despotic if they advance private purposes rather than public ones. That possibility isn’t limited to paternalism: any criminal prohibition that doesn’t protect sovereignty is a despotic violation of it. Your neighbour cannot decide which ends you may pursue; nor can the majority of your neighbours, acting through the state. As a special case of this, they can’t act through the state to prohibit you from doing something that isn’t objectionable as a means of preventing you, or someone else, from doing something that is. That is liberalism’s core insight: Against the private choices of others, the individual’s sovereignty is, as Mill says, absolute.

#### This means you negate.

Block: Block, Walter Economics and Finance Department, University of Central Arkansas and Matthew Block Computer Science Department, Simon Fraser University. “Towards a Universal Libertarian Theory of Gun (Weapon) Control: a Spatial and Geographical Analysis.” Ethics, Place and Environment, Vol. 3, No. 3, 2000. FT

What is the libertarian position on the second amendment to the US Constitution? At first blush, this philosophy is not compatible with any gun control legislation at all, since the mere ownership and possession of a rifle or pistol do[es] not constitute an uninvited border crossing, or invasive violence. Nor do they even amount to a threat, for surely we must distinguish between the case of brandishing a weapon in a bellicose manner, on the one hand, and, on the other, with keeping one locked up in a drawer at home or in an auto, or with peaceably walking around with one safely holstered at the hip or even concealed, as in a shoulder harness. The former act violates the non-aggression axiom, while the latter two do not. Yes, there is a potential danger involved in private gun ownership and use,3 but if we were to prohibit all such occurrences, we would have to ban autos [and], knives, scissors, letter openers, arms (for boxers) and legs (for karatekas), etc.

There’s no risk of offense claims from the aff --- this isn’t a terminal defensive claim --- this concludes that if there OWNERSHIP doesn’t violate another than to ban it is itself a violation.

Ownership doesn’t necessitate misuse --- the state cannot preemptively punish you by confiscating your means absent an offense committed --- that would hijack your means for the ends of your neighbors.

### Contention 2

#### 2] Agency commits agents to willing a system that reserves the right to self-defense since, otherwise, her life would be contingent on the defense by the state and bound herself in a relation of dependence. Many in society are fundamentally vulnerable to social violence - that justifies defensive gun ownership

Lance K. Stell 1 [professor of ethics, philosophy of law, and clinical ethics and specializes in medical ethics], “Gun Control and the Regulation of Fundamental Rights”, Criminal Justice Ethics, 2001, BE

Hobbes emphasized that all human beings are susceptible to intentionally inflicted, crippling injury and violent death.23 Exploitation of this vulnerability by credible threat or actual attack jeopardizes everything we care about. Therefore, everyone has a fundamental interest in avoiding these harms. It follows that the right to self-defense must be fundamental on LaFollette’s account because it protects a fundamental interest.¶ Despite the fact that no human being is invulnerable to assault, individual vulnerability to it is not equal. Some people are smaller, weaker, or of lesser interest to society’s elite than others. Other things being equal, **assaulting them has a lower cost.** Recognizing **a fundamental right to equalizers eliminates the social discount. Therefore,** if fundamental rights should, as far as reasonably possible, have equal value to their possessors, then the state has a duty not to prohibit possession of “equalizers,” especially since it recognizes no duty whatsoever to protect any individual from violent victimization. However, LaFollete disagrees. He is unimpressed by the fact that a gun ban would enrich assaulters and disproportionately impoverish smaller, weaker, less well-connected potential victims of assault by reducing the costs of assaulting them. Nor, apparently, would he see any fundamental incoherence in a situation in which a person wins a homicide acquittal by successfully invoking his self-defense privilege, but yet is convicted for violating a gun possession ban, despite the fact that, at trial, his gun-use counted as “necessary but not excessive” force when he exercised his defensive privilege.

The state does not solve, because the state prioritizes the interests of society’s elites, that’s why white cops don’t face consequences for shooting black children. This means there can be no general rational obligation to cede equalizers to self-defense.

This links into the standard – you cannot will yourself in a position of power imbalance when it comes to your rightful honor – such would make your exercise of freedom contingent on the will of your aggressor.

Ripstein 2 elaborates:, Arthur. Force and Freedom: Kant’s Legal and Political Philosophy. Cambridge: Harvard UP, 2009. PDF.

Actual legal systems refuse the defense of self-defense to an initial aggressor, and suppose that at most one of the two can be acting defensively. The other has, at most, some sort of excuse of mistake. This structure is not an accident of positive law, but rather a reflection of the normative structure of self-defense: your right to defend yourself only holds against an aggressor. Yet just as the question of who is an aggressor in a state of nature can be answered by nothing other than what seems good and right to the person defending himself, so, too, these higher-order constraints that require there be only one genuine justified defender can only be applied by the parties themselves. It is thus a structural feature of the situation that it is possible for each party to believe, in good faith, that the other is the sole aggressor. They each make inconsistent claims of right. However, once they have made inconsistent claims of right, there is no answer, apart from what seems good and right to each of them. // The idea that there can be no answer in a dispute about defensive force may seem surprising, because the question of who was the initial aggressor appears to be a purely factual one. But the question of whether defensive force is warranted is not equivalent to the factual question of who made the first move. Your right to defend yourself against an aggressor rests on your belief that someone is wrongfully attacking you, but in a state of nature only you are in a position to judge whether you are under attack, because you need not defer to anyone else**. The entitlement to use defensive force is a reflection of** the first Ulpian precept, **rightful honor. To defer to the judgment of another** about whether something is in fact a case of aggression **is**, again, **to allow yourself to be treated as a mere means.** If the other in question is an apparent aggressor, the difficulty with failing to defend yourself is clear. You also have an obligation (the second Ulpian precept) to avoid wronging others. The problem is that the two obligations do not form a consistent set. The other person’s unilateral judgment must be both something to you via the second Ulpian precept – the thinks he is defending himself, and you must not wrong him – but also nothing to you, via the first – you don’t have to defer to his judgment. Only positive law can guarantee a determinate answer to the question of who the aggressor was, because only under positive law can there be an “irreproachable” judge of such matters. // **The imperfection of the right to self-defense does not, however, render that right merely provisional, because it is a conclusive authorization to coerce. Your right to repel those who invade the space occupied by your body does not require an omnilateral authorization.** It is imperfect because it is not an authorization under universal laws, since any such authorization would have to be a member of a necessarily consistent set. The inconsistency in the right to self-defense in these cases is contingent, depending as it does on a factual question of whether the same or different things will seem “good and right” to different people. The problem, however, is conceptual: the idea of a rightful condition contrasts with “savage violence” because in the former, disputes are resolved by law, and in the latter, by force. How frequently force is used is entirely contingent, but that is exactly the point. Well-disposed and right-loving people might get into fewer disputes, but if so, it is still entirely contingent. You cannot be fully law-abiding without a lawgiver, no matter how “right-loving” you may be.

## 1NC - On case

### 1nc – ROB overview

#### As an overview, Debate should be an open forum for students to defend their own approach. When assigning a research paper, a teacher may allow students to pick their own topics. While the teacher will reserve the right to veto topics below a certain educational threshold, the added flexibility, even if students pick sub-optimal topics, is still a far better model for student learning. Analogously, you should have a very high threshold for disregarding the debated validity of my framework by just assuming their impact filter matters more. Thus, if I win sufficient reason why my approach has pedagogical value, then evaluate the framework arguments on the flow.

### 1nc – A2 Epistemic Modesty

#### No epistemic modesty –

#### 1] It collapses on itself – you wouldn’t use modesty to adjudicate whether to be modest on the framework

#### 2] Its unfair –

#### 3] If I win phil debate is important – then it means we shouldn’t’ just default to substantive debate – even if we

#### Also philosophically incoherent – which means reject it.

#### 1. EM assumes a consequentlaist account of value, because it assumes we can, for instance, violate some good – so it is question begging

#### 2. EM is internally contradictory, it says like 70% chance of Deont 30% of util. Deont says I'm obligated to act according to these rules, util says maximize utility. Neither say I should act to maximize the expected cross theory value. So there is a 100% chance that EM Is false.

It's like having three doctors what medicine to take, have them all advise something different, so you mix the pills even though all three doctors say mixing medicines is bad.

#### 2. No way to make the cross paradigm comparison. It's like comparing if Milton is more puritanical than a pig is fat.

A. Different theories evaluate different things. Deont evaluated maxims, util states of affairs, virtue ethics evaluates character. They don't agree with the locus of value, so comparison is impossible.

B. The theories each have different grounds for why we act ethically. This means the normative upside of one theory is different in kind from another. If I obey God from fear of punishment that does not give me reasons to weigh deontic considerations, because the reason for being deontic is a symmetric with fear

#### 3. Leads to cascading uncertainty. You have to have a credence in how likely each theory is, 30% true etc. but then those judgments themselves have finite credences. Further EM itself only had a certain credence which itself is uncertain.

The result is profoundly unspecified adjudication

#### 4. If there is any non zero chance of an ethical theory with infinite impacts is true (a religion which believes in eternal life, absolutist deontology where persons have infinite value, levinas) then that means no matter how high the probability of any finite impact it weighs to zero.

### 1nc – A2: AC F/W

1. Whole to part fallacy, just because there is a general epistemic limitation does not mean the particular inferences of the neg is problematic. Newtonian physics is a flawed scientific epistemology, buts it still works really well for lots of questions.

2. Just because a source of an idea is flawed, does not mean the argument itself is incorrect. Someone bad at math could still come up with a good argument. If the argument seems to work you would have to point out where the error lies, not just a generic tendency to error.

3. Hasty generalization. This may be true for lots of questions, but clearly is not true for mathematical theories about trigonometry. Assessing the adequacy of the generalization means you must actually win a deficit to my reasoning.

4. Your fw denies the antecedent. ~ recognizing therefor flawed fw does not mean positively recognizing gets you to the right fw. There could still be plenty of equally problematic errors at play.

5. Method constrains fail. Either you start with that assumption, meaning your argument is circular, or, you don't start with that assumption in which case your fw violates as well.

## 2NR – Contentions

### A2 “Question of property”

#### Can’t restrict property for any end

Verhaegh ’04: (Marcus Verhaegh “The A Priori of Ownership: Kant on Property.” Mises Institute. 09/09/2004//FT

Nonetheless, one can correctly judge that a wrong has occurred if there is an ownership title that goes back to an initial set of agreements that got further and further recognition by wider and wider groups of individuals, but where a state authority nonetheless acted contrary to what has been agreed. The government ought not do such things on Kant's account. Rather, the government is there to enforce pre-existing agreements (e.g., on property) in the face of internal and external aggressors. These agreements cannot be ignored for the sake of paternalist goals such as increased socio-economic equality or the moral betterment of the individual. The individual must be free to dispose of his or her person and property as desired, so long as nothing is done that is incompatible with a like freedom for others; and this holds true even if the actions that the individual takes are immoral in the eyes of the community. "An external object which in terms of its substance belongs to someone is his property (dominium), in which all rights in this thing inhere (as accidents of a substance) and which the owner (dominus) can, accordingly, dispose of as he pleases (ius disponedi de re sua)."

### A2 Hindrance of Hindrance

#### Your account of a hindrance assumes freedom and the fulfillment of our wishes. Equal freedoms, instead, is about mutual independence.

Ripstein, (Arthur Ripstein, “Beyond the Harm Principle,” University of Toronto, http://www.law.utoronto.ca/documents/Ripstein/beyond\_harm\_principle.pdf//FT

All of the standard objections to the idea of equal freedom conceive of freedom as a person’s ability to achieve his or her purposes unhindered by others. This understanding of freedom, described as “negative liberty” in Isaiah Berlin’s essay “Two Concepts of Liberty,” characterizes any intentional actions or regulations that prevent a person from achieving his or her purposes as hindrances to freedom. Some critics have questioned the special significance of the actions of others in limiting freedom on this account – lack of resources, or internal obstacles may frustrate your purposes just as much as my deliberate actions. The difficulty for the idea of equal freedom is different. It comes from the role of successful attainment of your purposes in this conception of freedom. If our purposes come into conflict, so too must our freedom. Any purpose, whether my private purpose of crossing your yard, or that state’s public purpose of coordinating traffic flow, can come in to conflict with some person’s ability to get what he or she wants. The closest such a conception of freedom can come to an idea of equal freedom is some distributive system that would be likely to equalize people’s chances of success.23

The sovereignty principle conceives of freedom differently, in terms of the mutual independence of persons from each other. Such freedom cannot be defined, let alone secured, if it depends on the particular purposes that different people happen to have, because part of the reason freedom is important is that it allows each person to decide what purposes to pursue. Instead, equal freedom is understood as each person’s ability to set and pursue his or her own purposes, consistent with the freedom of others to do the same. You are independent if you are the one who decides what ends you will use your powers to pursue, as opposed to having someone else decide for you. You may still mess up, decide badly, or betray your true self. You may have limited options. You remain independent if nobody else gets to tell you what to do. Each of us is independent if neither of us gets to tell the other what to do.

This interest in independence is not a special case of a more general interest in being able to set and pursue your purposes. Instead, it is a distinctive aspect of your status as a person, entitled to set your own purposes, and not required to act as an instrument for the pursuit of anyone else’s purposes. You are sovereign because nobody else gets to tell you what to do; you would be their subject if they did. Once freedom is understood in terms of people’s respective independence, one person’s freedom doesn’t conflict with another’s. Each person is free to use his or her own powers to set and pursue his or her own purposes, consistent with the freedom of others to use their powers to set their purposes. A system of equal freedom demands that nobody use their own powers in a way that will deprive another of theirs, or uses another person’s powers without their permission.

### A2 “Forfeiture”

1. Asymmetry, any act of IPV loses a gun, even if I only have ever used a knife and am actually a responsible gun owner.

2. Forfeiture presupposes rational exchange, but lots of IPV occurs in the heat of passion and anger. We can lock you up so that anger cannot harm others, but we cannot claim your fine to be a threat to others, but that you forfeited a particular item.

3. Arbitrary restriction, you don't remove knives. This arbitrary choice cannot be grounded in the fw.

4. Forfeiture cannot be ex post facto, because you cannot be said to forfeit if you were unaware of the possibility.

5. Forfeiture only applies to certain types of rights. I cannot forfeit my right to life, nor to liberty because those are a condition of securing non forfeited rights. Self-defense is one of those

6. Forfeiture doesn't make sense under Kant, because your rights are necessary, not incidental.

### A2: Fear

#### Fears don’t turn the nc – this should be obvious – else we’d ban scary hoodies.

Ripstein (Arthur Ripstein, “Beyond the Harm Principle,” University of Toronto, http://www.law.utoronto.ca/documents/Ripstein/beyond\_harm\_principle.pdf//FT

Second, it won’t work to claim that I harm you by upsetting you when you learn of my deed, or by leading to fears that people will do this sort of thing to others. As a liberal principle, the harm principle cannot allow this move. If my act itself does no harm, then your fear that I will do it cannot bootstrap it into one, any more than your fear that I will corrupt your character can count as a harm for purposes of criminalization. Too many illiberal consequences would follow if harms could be manufactured in this way.

### A2: Monopoly on Violence

#### 1] Item cannot have an intrinsic character

#### A] Objects are irreducible practical entities defined in terms of use – that some people can use guns non-violently means the object has not intrinsic teleology

#### B] Agency justifies a subject/object distinction – the structure ethical evaluation is concerned with is wills, which objects that lack agency can’t possess.

#### 2] They’ve conceded Ripstein 1 – only intentions can violate the f/w.

### A2: nukes

#### 1] This is impact justified – even if you prove this conclusion follows from the framework – we’ve won the NC is the only possible starting point for ethics, so it’s irrelevant.

#### 2] Nukes are not justified

Block 2: Block, Walter Economics and Finance Department, University of Central Arkansas and Matthew Block Computer Science Department, Simon Fraser University. “Towards a Universal Libertarian Theory of Gun (Weapon) Control: a Spatial and Geographical Analysis.” Ethics, Place and Environment, Vol. 3, No. 3, 2000. FT

Then there is the slippery slope objection; that if a pistol is not rights violate per se, then neither is a rifle, a machine gun, a bazooka, a howitzer, a tank, a battleship, a jet fighter plane; nor, for that matter, a nuclear bomb. The libertarian response to this is predicated upon the issue of whether it is possible to use these weapons in a purely defensive manner; if so, there can be no objection to them per se. Consider a bazooka, for example. Can the power of this implement be confined to those at whom it is aimed? Yes. Therefore it can be used purely for purposes of self-defense, and its possession is not an ips0 Jircto violation of the libertarian code. If it is not possible to limit, to its intended targets, the physical harm created by a weapon but, rather, this must necessarily spill over onto innocent parties, then such an implement must be eliminated from legitimate arsenals. When viewed in this manner, it is clear that all of the weapons mentioned above, except for the thermonuclear device, (lo allow for pinpointing: namely for confining their destructive power to the ‘bad guys’. Therefore, it would be [il]licit to own any of the former, but not the latter.’

#### Moreover – mere possession and production of nukes involves significant harm to other people via radiation leaks, which is a violation.

#### Finally, the normative category of ownership implies that you can use it – if there is no ethical grounds for use, and in the case with nukes, then this would preclude ownership.

#### 3] At worst, Block 1 proves this logic goes both ways – that an object is harmful would justify banning automobiles and baseball bats – which is equally unintuitive.

#### Yes guns can be misused to hurt people – that just means gun use needs to be regulated – just like we prohibit racing cars through public parks.

### A2 “Dependence”

#### Contingent positions of dependency are just factual – it only becomes normative if all purposiveness is contingent.

Ripstein: [Arthur Ripstein 2 ~Professor of Law and Philosophy at the University of Toronto, and Chair of the Department of Philosophy~, "Force and Freedom", Harvard University Press, pgs 280-281, 2009] FT

The spatial version of the problem also illustrates its systematic structure: those who have no place to go without the permission of another are not merely frustrated in the pursuit of some specific purpose, not even the purpose of self-preservation. All property rights prevent people from doing things that they might have otherwise been free to do, because a property right entitles the owner to determine how the object in question will be used. The sort of factual dependence that is thereby created raises no issues of right. Poverty, as Kant conceives it, is systematic: a person cannot use his or her own body, or even so much as occupy space, without the permission of another. The problem is not that some particular purpose depends on the choices of others, but that the pursuit of any purpose does.20 If all purposiveness depends on the grace of others, the dependent person is in the juridical position of a slave or serf.

## 2NR – F/w

### Rob interaction

### 2NR ROB Overview (1:10)

#### Extend the Overview– Debates should offer a degree of intellectual flexibility. When grading papers, teachers respect a student’s intellectual flexibility by assessing the arguments as presented even if not the most educational answer. Likewise, as an educator you should evaluate the arguments on the flow that meet a minimal threshold- It’s called DEBATE for a reason. Of course, skep triggers wouldn’t meet it, but the NC definitely does. Thus regardless whether rejecting \_\_\_\_\_\_\_\_ is an important educational concern – you should evaluate my framework if I win it.

#### Intellectual flexibility outweighs their ROB offense.

#### A] Diminishing Marginal Utility – both kinds of debate happen still under my model – testimony doesn’t work on every topic and people rarely even read my NC –we get enough \_\_\_\_\_\_\_\_\_\_ debates to not automatically exclude my philosophical engagement. This means we solve your ROB offense and the crowd out disad flows neg.

#### B] Their model is judge intervention in disguise– It asks the judge to disregard arguments I’m winning because “the judge knows they’re wrong” regardless of the flow – we might as well tell the judge to just disregard disads and kritiks being won in round but are “clearly” nonsense as well –

#### C] Its epistemic arrogance to think anyone here with limited pedagogical experience can determine what form of education is absolute – so always err my way.

#### D] Education impacts can’t act as defeaters to argumentation in a debate – Let me demonstrate: If we had an util debate and I win empirics are more accurate than analytics– they can’t declare my weighing is irrelevant because debating analytics brings more critical education. Likewise, you cannot exclude the framework which just proves that \_\_\_\_\_\_ is more accurate than the aff on moral questions.

#### Thus they need to win overwhelming terminal defense to my NCs educational value to exclude it. They can’t just say the ROB’s impact outweighs and is more optimal- if I win any risk of an internal links to their ROB or external impact – then evaluate the NC.

### A2 “Schmagency”

#### 1] Agency is just a linguistic category – the enterprise you engage in regardless what you call it is inescapable – which is sufficient

Katsafanas 1: (Paul Katsafanas, “Agency and the Foundations of Ethics: Nietzschean Constitutivism.” Oxford University Press. 2013//FT)

In fact, though, the objection misses its mark, for it misconceives the constitutivist project. As the prior section explained, the point of constitutivism is that action is inescapable; we have no alternative to performing actions. One can decide to play schmess instead of chess, but one cannot decide to perform a schmaction instead of an action. For the very process of deciding or trying to produce a schmaction would itself be an action, and would therefore manifest action's constitutive aim. After all, as I noted above, by "action" the constitutivist just means intentional activity. Any intentional activity that the agent performs will count as an action. Thus, the idea that there could be a schmaction—an intentional activity that is not an action—is self-contradictory. Notice that I am here just reiterating a point I made earlier: constitutivists about action rely on the claim that action is inescapable. Games and practices have escapable constitutive standards; the standards cease to apply once you stop playing the game. So, too, action would have escapable standards, if we could stop acting. But we cannot stop acting, so the constitutive aim of action is inescapable. Put simply: you can decide to play schmess instead of playing chess, but you cannot decide to produce schmactions instead of actions.

#### 2] Our argument isn’t that mere action generates normativity – but that inescapable aims do.

Katsafanas 2: (Paul Katsafanas, “Agency and the Foundations of Ethics: Nietzschean Constitutivism.” Oxford University Press. 2013//FT)

The mere fact that I do something doesn't generate standards of success. If I catch my foot on a crack in the sidewalk and trip, it does not follow that there is any standard of success for my tripping. If I forget my keys in the morning, it does not follow that there is a standard of success for forgetting my keys. However, Success claims that aims generate standards of success. If I aim to catch my foot on a crack in such a way that it causes me to trip (perhaps I want to feign an injury, or perhaps I'm acting in a play) then there is a standard of success. If I aim to forget my keys in the morning (perhaps, the night before, I put them in an out of the way place rather than in their usual spot by the door, and hoped that I wouldn't remember in the morning), then there is a standard of success. It is aims, not mere activities, that generate standards of success. That is the first crucial response to Enoch's claim. But there is more to say. Notice that there are different ways of formulating the Success claim. A strong claim would be that inescapable aims, and only inescapable aims, generate standards of success. A weaker claim would be that all aims generate standards of success. I employ only the weaker claim. Constitutive aims differ from ordinary aims only in that constitutive aims are inescapable, whereas ordinary aims are not. It isn't the inescapability that is reason-providing. The aim itself—any aim—is reason-providing. The inescapability is just a point about how ubiquitous the aim is, not about why it is reason-providing. With these clarifications in mind, we can see that constitutivism rests on a very spare claim about reasons. All that we need, in order for the constitutivist project to work, is the claim that aims in general generate standards of success. While no philosophical thesis is entirely uncontroversial, this claim is widely accepted.

#### 3] Parity problem – your f/w links

#### 4] This is infinitely regressive – I could just say I don’t want to be moral but schmoral – ultimately It’s impossible to persuade the amoralist to be a moral person b/c a moral obligation to act morally is just a tautology.

#### 5] The human mind includes a binding structure. We all use plus rather than quss, and say the 8 is the next number in this sequence 1,2,4... Even though you can define the patterns in different ways. If the human mind did not have a set interpretive pattern no communication could occur

#### 6] You are not deriving morality from agency, just understanding it from agency. It's not being an agent is normatively required, but understanding agency understands the normative structure we are situated within

### Other A2 Schmagency

#### A2 Is Ougth fallcy

Not an is ought fallacy b/c we don’t’ say A is aimed at therefore A is valuable – but that if A is aimed at you have reason to pursue A – since we prove that A is inescapably aimed at then you reason to pursue A.

#### A2 open question

Katsafanas ’13: (Paul Katsafanas, “Agency and the Foundations of Ethics: Nietzschean Constitutivism.” Oxford University Press. 2013//FT)

I think Rosati's points are correct, but also incomplete: the constitutivist can make a much stronger response than this to the Moorean objection. To be sure, caring about the constitutive aim needn't involve a mistake, and manifesting the aim will tend to matter to us. However, the more important point is that, as I've explained above, questioning the aim simply doesn't make sense. Asking whether you should pursue A assumes that you have some alternative to pursing A; it assumes that you could, instead, pursue B. But, as I explained above, that is not the case with the constitutive aim of action. Any particular action that the agent chooses to perfonn will be an action, and will therefore fall under the standards governing action. By analogy, any particular chess move that the chess player makes will still be a move in chess, and will therefore fall under the standards governing chess. It doesn't make sense for the chess player to ask why he should aim to checkmate his opponent, unless this is construed as a question about whether he should continue playing chess. For, so long as he is playing chess, he is committed to aiming at checkmate; that's part of what it is to play chess. Just so, so long as an agent is acting, she will be committed to the standards constitutive of action. In this respect, constitutive aims are distinct from ordinary dispositions and aims. But let's now turn to Rosati's second point, concerning whether taring about the consti-tutive aim is justified. Grant that agents tend to care about agency, and hence to care about the conditions of their own agency. This is, as Rosati notes, one respect in which constitutive aims differ from many other aims. However, the constitutivist again has a deeper response to the Moorean objection. To see this, consider what is meant by asking whether I should care about my aiming at A. In posing this question, I might be asking whether I should aim at A. But if this is my question, then it is moot: the aim will be present in all that I do. Alternatively, the question might be whether I should manifest sentiments of approval toward my pursuing A. Granted, this is a question that one can ask about any aim. The question is typically quite important, because ill answer it negatively my motivation to pursue A tends to dissipate. For example, if I decide that I should not approve of pursuing a certain relationship, then I am at least marginally less likely to pursue it. However, not pursuing a constitutive aim is not an option, so the question seems decidedly less important when applied to constitutive aims. To see this, consider the operation of constitutive aims in the game of chess. Imagine two people playing a game of chess. Player One cares deeply about chess, loves playing chess, would prefer playing chess to anything else. Player Two detests chess, but has no alternative to playing—say, he has a gun to his head. Player One is going to be happier than Player Two, Player One is going to enjoy the game more than Player Two, and so on. But those aren't the relevant questions with respect to practical reason. The relevant question is just whether the constitutive aim is reason-providing for both of these players. And clearly it is. What matters is just that they have the aim, not that they approve of the aim. So approval of the constitutive aim, or caring about the constitutive aim, would not be nonnatively relevant. Caring does serve a function in the case of optional, non-constitutive aims, for these aims often weaken once the agent's approval dissipates. In the case of the constitutive aim, though, approval cannot have this effect: if the aim is constitutive of agency, it will be ineluctable. Approval of the aim might be nice, but it is not necessary.

#### A2: bad action objection.

Katsafanas ’13: (Paul Katsafanas, “Agency and the Foundations of Ethics: Nietzschean Constitutivism.” Oxford University Press. 2013//FT)

But then how are we to account for defective actions and belief? If all that something has to do in order to be a belief is to aim at truth, then how does the nature of belief yield a standard of correctness? Well, the constitutivist just needs to make an important distinction: what constitutes an attitude as a belief is aiming at truth. But what constitutes an attitude as a good belief is achievitw that aim, by being true." Analogously, in the case of action: — What constitutes something as an action: aiming at A. — What constitutes something as an exemplary or good action: achieving A. Once we draw the distinction between what is required to be an action, and what is required to fulfill action's standard of success, we see that the bad action objection can be answered. The constitutivist argues that every instance of action shares a common aim. But many actions fail to fulfill this aim. These actions are still actions; but they are defective actions. Alternatively, the constitutivist can make the criterion for an event's being an action somewhat more robust: What constitutes something as an action: aiming at and to some extent achieving A. — What constitutes something as a good action: achieving A completely. For example, on David Velleman's view, an event has to be known to some extent in order to qualify as an action. But, in order to qualify as a good action, it has to be known more completely.

Agency is inescapable—two warrants. Ferrero[[1]](#footnote-1)

3.1 The initial appeal of the shmagency objection rests on the impression that there is a close analogy between agency and ordinary enterprises. If one can stand outside of chess and question whether there is any reason to play this game, why couldnʼt one stand outside of agency and wonder whether there is any reason to play the agency game? The problem with this suggestion is that the analogy does not hold. Agency is a very special enterprise. Agency is distinctively ʻinescapable.ʼ This is what sets agency apart from all other enterprises and explains why constitutivism is focused on it rather than on any other enterprise. 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 is *ipso 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.133.3 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 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 whether she 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 3.4 To sum up, agency is special because of two distinctive features. First, agency is not the only game in town, but it is the biggest possible one. In addition to instances of bare intentional agency, any engagement in an ordinary enterprise is *ipso facto* an engagement in the enterprise of agency. Second, agency is closed under rational reflection. It is closed under the self- directed application of its distinctive discursive operation, the asking for and the giving of reasons for action. The combination of these features is what makes agency *inescapable.* This is the kind of nonoptionality that supports the viability of constitutivism.

Arguments that claim that a principle can be non-normative despite being inescapable presume a weaker form of inescapability, i.e. **empirical inescapability**, where agency is inescapable by fact or circumstance, but where it’s conceptually possible for an agent to conceive of themselves as being under a different principle. My argument involves a stronger sense of inescapability -- it is *conceptually incoherent* to think of agency as not falling under the normative principle, i.e. **rational inescapability**. Ferrero indicates that a person falls under the concept of agency only by submitting to the normative principle. There is no reality of “being an agent” that precedes or is separable from the reality of “submitting to the normative principle.” To be an agent just *is* to bring oneself under this principle

# Extra Crap

### Equality Paradox

#### Only the sovereignty principle resolves the equality paradox.

Ripstein (Arthur Ripstein, “Beyond the Harm Principle,” University of Toronto, http://www.law.utoronto.ca/documents/Ripstein/beyond\_harm\_principle.pdf//FT

The sovereignty principle rests on a simple but powerful idea: the only legitimate restrictions on conduct are those that secure the mutual independence of free persons from each other. The idea of a system of equal freedom for all has come in for a rough ride in recent times, to the point where it strikes many people as hopeless, because subject to a devastating objection. I will introduce the sovereignty principle through a dialogue with this objection. In A Theory of Justice, John Rawls advocated a principle of "maximum equal liberty," but, in response to criticisms by H. L. A. Hart, conceded that his approach to justice lacked the theoretical resources to develop that idea.21 Other attempts to formulate liberty-based principles have fallen victim to other, equally familiar criticisms. Remarking that libertarianism is a poorly named doctrine, G. A. Cohen has argued that any set of rules protects some liberties at the expense of others. Cohen gives the example of the way in which property rights restrict freedom of movement. From another perspective, Ronald Dworkin has used the example of driving the wrong way on a one-way street to illustrate the difficulty with liberty-based accounts of justice. Writing from yet another tradition, Charles Taylor has emphasized the differences between freedom of religion and the freedom to cross intersections unimpeded. These critics of the principle of equal freedom differ in many ways, but are united in supposing that in a world in which one person’s actions affect another, liberty is not a self-limiting principle. Both societies and theories of justice that aspire to guide them must decide which liberties to favour, or how to weigh liberty against other values. This objection was first put forward close to two centuries ago, by Samuel Taylor Coleridge. Like Cohen, he argues that property constitutes an external limit on freedom, rather than an internal one. Nearly a century later, Coleridge’s argument is endorsed by Frederick Maitland, to whom Hart referred in introducing his own version of it.22 All of the standard objections to the idea of equal freedom conceive of freedom as a person’s ability to achieve his or her purposes unhindered by others. This understanding of freedom, described as “negative liberty” in Isaiah Berlin’s essay “Two Concepts of Liberty,” characterizes any intentional actions or regulations that prevent a person from achieving his or her purposes as hindrances to freedom. Some critics have questioned the special significance of the actions of others in limiting freedom on this account – lack of resources, or internal obstacles may frustrate your purposes just as much as my deliberate actions. The difficulty for the idea of equal freedom is different. It comes from the role of successful attainment of your purposes in this conception of freedom. If our purposes come into conflict, so too must our freedom. Any purpose, whether my private purpose of crossing your yard, or that state’s public purpose of coordinating traffic flow, can come in to conflict with some person’s ability to get what he or she wants. The closest such a conception of freedom can come to an idea of equal freedom is some distributive system that would be likely to equalize people’s chances of success.23 The sovereignty principle conceives of freedom differently, in terms of the mutual independence of persons from each other. Such freedom cannot be defined, let alone secured, if it depends on the particular purposes that different people happen to have, because part of the reason freedom is important is that it allows each person to decide what purposes to pursue. Instead, equal freedom is understood as each person’s ability to set and pursue his or her own purposes, consistent with the freedom of others to do the same. You are independent if you are the one who decides what ends you will use your powers to pursue, as opposed to having someone else decide for you. You may still mess up, decide badly, or betray your true self. You may have limited options. You remain independent if nobody else gets to tell you what to do. Each of us is independent if neither of us gets to tell the other what to do. This interest in independence is not a special case of a more general interest in being able to set and pursue your purposes. Instead, it is a distinctive aspect of your status as a person, entitled to set your own purposes, and not required to act as an instrument for the pursuit of anyone else’s purposes. You are sovereign because nobody else gets to tell you what to do; you would be their subject if they did. Once freedom is understood in terms of people’s respective independence, one person’s freedom doesn’t conflict with another’s. Each person is free to use his or her own powers to set and pursue his or her own purposes, consistent with the freedom of others to use their powers to set their purposes. A system of equal freedom demands that nobody use their own powers in a way that will deprive another of theirs, or uses another person’s powers without their permission. Each of these ideas requires filling out: the idea that people use their powers to set and pursue purposes; the idea that people have powers as their own; and the idea that the separate or cooperative exercise of those powers conform system of equal independence. Once the account of independence is in place, the sovereignty principle also provides an account of criminal wrongdoing as domination, that is, the violation of independence.

### Kocsis

#### Gun ownership is essential to property rights – key to safeguarding individual autotomy.

**Kocsis ’15:** [Michael Kocsis, Adjunct Lecturer of Philosophy at Utica College, “Gun Ownership and Gun Culture in the United States of America”, Essays in Philosophy, Volume 16 Issue 2 Philosophy & Gun Control, 2015]

The second argument relies on the value of personal liberty. Once we acknowledge, as did Locke and Jefferson, that ownership of property is a natural right, we give credence to the view that each citizen’s property is fundamental to that citizen’s personhood. Property is not merely a philosophical abstraction. It becomes part of the citizen and fundamental to their liberty, in the sense that no life can be lived, and no personal project executed, without access to certain protections of property. Property is fundamental to personal liberty and is a means of protecting citizen’s individual plans of life. Therefore the state should protect and preserve private property; doing so is the only way to genuinely safeguard individual autonomy. The discussion of Locke, Jefferson, and the U.S. Constitution reveals the centrality of property in American life and liberty. In short, both Locke and Jefferson realized that property becomes embedded in each citizen’s social existence. In both a real and metaphorical sense, the citizen’s property becomes the citizen. My claim is that the role of private property in actualizing one’s individual plan of life, and even more importantly, the dangers involved in coercively confiscating a citizen’s property, set a high threshold of justification for proposals to challenge existing (legitimately held) guns. Consider how true these claims become when the property at issue is a firearm. There is perhaps no greater source of security than owning a gun—at least this is how many gun owners characterize their feelings. Ownership of a firearm provides the owner with unequalled capacity to protect his or her life and liberties should they face a threat from those with nefarious intent.

1. Luca Ferrero, “Constitutivism and the Inescapability of Agency”. Oxford Studies in Metaethics, vol. IV, Jan 12, 2009.(https://pantherfile.uwm.edu/ferrero/www/pubs/ferrero-**constitutivism**.pdf‎) Professor of Philosophy, University of Wesconsin at Milwaukee. RP 7/21/13 [↑](#footnote-ref-1)