I negate. To negate means **“to deny the truth of”** which implies presumption and permissibility flow neg since negating has no positive connotation.

I value morality. Actions are expressions of an agent’s will and derive from their practical reason. If I cross the street to get bread, the only reason we call that crossing the street is because my intention to get bread unifies all the different steps involved into one action. Any action can be divided up into an infinite number of smaller end states; but the intentionality that we carry through the multiple steps unifies them. So, we can only evaluate intentions. Thus, the meta-ethic is practical reason, which gives us the ability to will something in accordance with our principles, i.e. to intend something. Even if they win the AC framework, if I win that intentionality unifies action, then all their offense must still be conceptualized through intents. Also, unintended harms can be solved for by extra-topical action since they’re not inherent to the maxim of the resolution, thus they’re irrelevant.

Prefer a starting point of practical reason:

(\_) Only practical identities can ground the unconditional value of human action, **Korsgaard:**

Korsgaard, Christine M. The Sources of Normativity. THE TANNER LECTURES ON HUMAN VALUES, Delivered at Clare Hall, Cambridge University. November 16 and 17, 1992. Pg. 81-85

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 **[is] expressive** of yourself. To identify with such a principle or law is to be, in St. Paul’s famous phrase, a law to yourself. **[How] 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 **[but] 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.

Precludes the AC since I posit an inescapable source of normativity – you can shed other identities but not your identity as a practically reasoning agent.

(\_) Empirical realities, like desires and consequences, cannot be the basis of morality because we’re not responsible for the physical state of the world. Only a priori practical reason solves, **Furrow:**[[1]](#footnote-1)

“This is because the source of human dignity is our capacity for freedom. We are distinguished from all other beings by our capacity to rationally choose our actions. If God, nature or other persons imposed moral[s] requirements on us, against our will, our freedom would be fatally compromised. What is more, if our moral decisions were not free but imposed on us, we would not be morally responsible for them, thus undermining the system of praise and blame that is central to our moral framework. Thus, according to Kant, the basic condition for moral agency is moral autonomy – the capacity that each of us has to impose moral constraints on ourselves. Thus far, Kant’s thrilling praise of moral freedom seems compatible with ethical egoism. If moral decisions are up to me then it would seem that I am free to choose in accordance with my self-interest. However, Kant goes on to argue that **I cannot achieve moral autonomy if desires, emotions and inclinations govern my moral judgements.** Kant was convinced that **nature is a mechanical system governed by deterministic, physical laws** – causal relationships determine the behaviour of plants, animals and inanimate objects. They have no capacity to choose. But human desires, emotions and inclinations are also part of that deterministic universe, since they are a function of our bodily nature. When we act in accordance with desires, emotions and inclinations, we are simply responding to physical urges much as an animal does. How can human beings escape this deterministic physical world? **The only way we can exercise our freedom** and autonomy **is to rationally assess our actions independently of our desires**. Moral reasoning will set us free – free from desires **and** emotions that chain us to nature. In contexts where moral judgement is required, by reasoning independently of desires, I am imposing **[impose] moral principles on [ourselves]** myself**.** My actions are self-directed rather than caused by external forces. Kant is not arguing that we should never act on our desires or inclinations. In fact, most of the time we act on what he calls hypothetical imperatives, which involve desires. ‘If you want to earn money, go to work.’ ‘If you are afraid of tigers, then stay out of the jungle.’ These are perfectly acceptable as a basis for action. Actions based on these hypothetical imperatives have instrumental value – they get us something we want. But such actions have no moral value. **When our actions reflect only our desires** and inclinations, **and not** our capacity for moral **reason, they are not free and thus** they **have no moral worth, since morality requires freedom.**

(\_) Rules **must be known by all agents, two warrants. A.** Just as you wouldn’t blame for not getting you a present if I didn’t know it was your birthday, we wouldn’t hold someone responsible for failing to meet a standard that they didn’t know. **B.** Rules guide action but they can never guide action if we don’t know what to use to guide our actions. Only practical reason solves because all agents possess rationality and can act upon the conclusions of reason.

**Next**, agents can act by and will universal rules valid for everybody, or particularistic rules that are not universal. Rational agents must view themselves as the cause of their actions, so they cannot act on particularistic rules because they must view their principles as expressive of themselves, **Korsgaard (2):**

“The first step is this: [t]o conceive yourself as the cause of your actions is to identify with the principle of choice on which you act. **A rational will is a self-conscious causality,** and a self-conscious causality is **aware of itself as a cause.** To be aware of yourself as a cause is to identify yourself with something in the scenario that gives rise to the action, and this must be the princxiple of choice. For instance, **suppose** you experience a conflict of desire: **you** have a **desire** to do **both A and B,** and they are incompatible. **You have some principle which favors A** over B, **so you** exercise this principle, and you **choose** to do **A.** In this kind of case, you do not regard yourself as a mere passive spectator to the battle between A and B. You regard the choice as yours, as the product of your own activity, because **you regard the principle** of choice **as expressive**, or representative, **of yourself.** You must do so, for **the only alternative** to identifying with the principle of choice **is regarding the principle** of choice **as some third thing in you,** another force on a par with the incentives to do A and to do B, which happened to throw in its weight in favor of A, in a battle at which you were, after all, a mere passive spectator. **But then you are not the cause of the action.”**

Thus, the standard is consistency with the universality of moral maxims, since that’s the only way to make agency possible. **And** prefer this view because if rational agency serves as the basis for normative claims, anything that is asserted to be a maxim must be universal because it’s arbitrary to reject a maxim for one person or circumstance while making it sufficient for another. Offense –

First, from universality it follows we may not coerce with our own *unilateral* force, we must concede authority to an *omnilateral* will, that is, the state, since when one will dominates another that’s a contradiction, **Kant:**

Immanuel Kant (leading Kantian scholar) The Metaphysical Elements of Justice, trans. John Ladd. 1797. Indianapolis: Hackett Publsihing, 1999.
**“When I** declare (by word or deed), “I **will** that **an external thing** shall **be mine,” I** thereby declare it **obligat[e]**ory for **everyone** else to **refrain from using the object** of my will.This is an obligation that no one would have apart from this juridical act of mine. **Included** in this claim, however, **is** an **acknowledgment** of being and **that I’m reciprocally bound to everyone else to** exercise a similar and equal restraint with **respect** to **what** i**s theirs. The obligation** involved here **comes from** a **universal rule** of the external juridical relationship that is, the civil society.  Consequently, I am not bound to leave what is another’s property untouched if everyone else does not in turn guarantee to me with regard to what is mine that he will act in accordance with exactly the same principle.  This guarantee does not require a special juridical act, but is already contained in the concept of being externally juridically bound to a duty Verpflichtung on account of the universality, and hence also the reciprocity, of an obligation coming from a universal rule. Now, with respect to an external and contingent possession, **a unilateral Will cannot serve as** a coercive **law for everyone, since that would be a violation of freedom** in accordance with universal laws. **Therefore, only a Will binding everyone else—that is**, collective **universal** (common), and powerful **Will**—is the kind of Will that **can provide the guarantee required.**The condition of being subject to general external (that is, public) legislation that is backed by power is the civil society. Accordingly, a thing can be externally yours or mind only in a civil society.

Obeying the public right is a precondition to rightful freedom, **Ripstein:**

Kant’s arguments against revolution rest on the difference between the postulate of public right and the idea of the original contract: **a state is under a duty to bring itself more nearly into conformity with the idea of the original contract**, and the people are “authorized at least to make representations against” laws that are not in conformity with it. The state’s internal duty does not correspond to a correlative right on the part of the people, which is just to say that the **people may not use force to bring the state into conformity with it.** If the state violates this duty, the people do not have an enforceable remedy, and so must “put up with” oppressive legislation. Their only **recourse is to “oppose** this **injustice by complaints but not** by **resistance.”** Thus the anti-revolutionary arguments are all supposed to show that although the state must always strive to improve itself, by bringing itself more nearly into conformity with the idea of the original contract, the **people may not violate the postulate of public right. That minimal standard is a precondition of any freedom under law**; the state’s entitlement to rule depends only on its providing a rightful condition at all. The inviolability of the postulate of public right does not have the objectionable implications sometimes attributed to it.

Jury nullification violates the standard; individuals insert their own feelings into application of the law, which exercises unilateral authority and undermines public right, **Ripstein 2:**

 The first, “legalistic” argument turns on the claim that **no one can sit in judgment of the sovereign**, on the grounds that the person who could do so would be the sovereign, and so, either the real sovereign, or subject to having still *others* sit in judgment, generating either a regress or a contradiction, since under such an arrangement the supreme authority would both be and not be the supreme authority. Thus **a constitution that reserves to the people a right of revolution** necessarily **contains a contradiction.** This argument is often discussed independently of the other parts of Kant’s argument for the state, and unsurprisingly, it strikes many readers as too legalistic to be of much interest. However, Kant’s point in making it needs to be understood in the broader context of his argument for **the state**. As we saw in Chapter 6, that argument **turns on the problem of unilateral choice, and the need for authoritative institutions to make choice omnilateral.** In order for the power to resolve a dispute to be anything more than yet another unilateral use of force, **the arbiter of the dispute must be able to make a decision on behalf of the parties to the dispute.** In the case of a revolution, however, someone presents himself as outside the legal order, yet entitled to resolve a dispute in relation to it. In those terms, the revolutionary’s position is incoherent. From the claim that the revolutionary is not entitled to be judge in his own case, Kant draws the surprising conclusion that **the sovereign *is* entitled to be judge** in his own case.

Second, breaking promises is contradictory since you cannot conceive of a world where promises are always broken; promises wouldn’t even be made, so they couldn’t be broken. Acting on this maxim relies on the institution of promising, without which the promise would be ineffective, while simultaneously contradicting the nature of promising. And jurors promise to follow the law by swearing an oath, **AOUSC:**

**The juror takes an oath to decide the case “upon the law and the evidence.” The law is what the** presiding **judge declares the law to be; not what a juror believes it to be** or what a juror may have heard it to be from any source other than the presiding judge. The evidence that jurors consider consists of the testimony of witnesses and the exhibits admitted in evidence. **What evidence is proper for the jury to consider is based upon the law** of evidence.

Nullification violates since they agree to uphold the law not determine whether it’s good or applied in a good manner.

1. Dwight Furrow. “Moral Agency.” Ethics. 2005. [↑](#footnote-ref-1)