### O/V

#### [1] The role of the ballot is to determine the truth or falsity of the resolution.

#### Text – five dictionaries define negate as to deny the truth of[[1]](#footnote-1). Text comes first – a) Controls the internal link to predictability and prep which is key for clash and substantive education b) Key to jurisdiction since the judge can only endorse what is within their burden c) Even if another role of the ballot is better for debate, that is not a reason it ought to be the role of the ballot, just a reason we ought to discuss it.

#### Reciprocity: anything allows for infinite alternative neg advocacies which means they have an infinite to 1 advocacy.

#### [2] AFF theory is no RVI, Drop the debater, competing interps, under an interp that aff theory is legit A) infinite abuse since otherwise it would be impossible to check NC abuse B) the 2n can dump on a script to a CI and go for RVI’s making it impossible to check abuse C) The 1ar is too short to win theory and substance D) The 2n can always create infinite reasonability arguments the 2ar can’t get through E) New 2ar weighing is legit otherwise the 2n can collapse and sandbag one issue for 6 min and I’ll always lose.

### Framework

#### I value morality. The Meta-Ethic is Non-Naturalism.

#### [1] The naturalistic fallacy – examples of goodness fail to define the ultimate good. Moore 03,

[Moore, G. E. “Principia Ethica” <http://fair-use.org/g-e-moore/principia-ethica/>. Published 1903] SHS ZS

Good, then, if we mean by it that quality which we assert to belong to a thing, when we say that the thing is **good**, **is incapable of any definition**, in the most important sense of that word. The most important sense of definition is that in which a definition states what are the parts which invariably compose a certain whole; and in this sense **good has no definition because it** is simple and **has no parts**. **It is** one of those innumerable objects of thought which are themselves **incapable of definition**, because they are the ultimate terms of reference to which whatever is capable of definition must be defined. That there must be an indefinite number of such terms is obvious, on reflection; since we cannot define anything except by an analysis, which, when carried as far as it will go, refers us to something, which is simply different from anything else, and which by that ultimate difference explains the peculiarity of the whole which we are defining: for every whole contains some parts which are common to other wholes also. There is, therefore, no intrinsic difficulty in the contention that **good denotes a simple and indefinable quality**. There are many other instances of such qualities. **Consider yellow**, for example. **We may** try to **define it**, **by** describing its physical equivalent; we may state what kind of **light-vibrations** must stimulate the normal eye, in order that we may perceive it. **But** a moment’s reflection is sufficient to shew that those light-vibrations are not themselves what we mean by yellow. **They are not what we perceive**. Indeed, we should never have been able to discover their existence, unless we had first been struck by the patent difference of quality between the different colours. The most we can be entitled to say of those vibrations is that they are what corresponds in space to the yellow which we actually perceive. Yet **a mistake of this** simple **kind has** commonly **been made about good**. **It may be true that all things which are good are also something else**, just as it is true that all things which are yellow produce a certain kind of vibration in the light. And it is a fact, that Ethics aims at discovering what are those other properties belonging to all things which are good. **But** far **too many philosophers have thought that when they named those other properties they were actually defining good**; that these properties, in fact, were simply not other, but absolutely and entirely the same with goodness. This view I propose to call the naturalistic fallacy and of it I shall now endeavour to dispose.

#### [2] The open question argument – Suppose X represents a natural property like pleasure. If X is analytically equivalent to good, then the question “Is it true X is good” becomes “Is it true good is good.” This either means A) Naturalistic frameworks result in a tautology of “Good is good” or b) X is not the same as good in which case non-naturalism is true.

#### [3] Only a priori knowledge is epistemically reliable**. Descartes 41**,

René, 1641. Discourse On Method ; and, Meditations on First Philosophy, NPR

Yet from everything I have just listed, how do I know that there is not something else which does not allow even the slightest occasion for doubt**?** Is there not a God, or whatever I may call him, who puts into me the thoughts I am now having? But why do I think this, since I myself may perhaps be the author of these thoughts**?** In that case am not I, at least, something? But I have just said that I have no senses and no body. This is the sticking point: what follows from this? Am I not so bound up with a body and with senses that I cannot exist without them? But I have convinced myself that there is absolutely nothing in the world, no sky, no earth, no minds, no bodies. Does it now follow that I too do not exist? No: if I convinced myself of something then I certainly existed. But there is a deceiver of supreme power and cunning who is deliberately and constantly deceiving me**.** In that case I too undoubtedly exist**,** if he is deceiving me; and let him deceive me as much as he can, he will never bring it about that I am nothing so long as I think that I am something**. So** after considering everything very thoroughly**,** I must finally conclude that this proposition, I am, I exist, is necessarily true whenever it is put forward by me or conceived in my mind. ButI do not yet have a sufficient understanding of what this ‘I’ is, that now necessarily exists. So I must be on my guard against carelessly taking something else to be this ‘I’, and so making a mistake in the very item of knowledge that I maintain is the most certain and evident of all. I will therefore go back and meditate on what I originally believed myself to be, before I embarked on this present train of thought. I will then subtract anything capable of being weakened, even minimally, by the arguments now introduced, so that what is left at the end may be exactly and only what is certain and unshakeable.

#### [4] Only Non-naturalism through reason solves determinism. Kant 81, Critique of Pure Reason. Because this empirical character itself must be drawn from appearances as effect, and from the rule which experience provides, all the actions of the human being in appearance are determined in accord with the order of nature by his empirical character and the other cooperating causes ; and if we could investigate all the appearances of his power of choice down to their basis, then there would be no human action that we could not predict with certainty, and recognize as necessary given its preceding conditions. Thus in regard to this empirical character there is no freedom, and according to this character we can consider the human being solely by observing, and, as happens in anthropology, by trying to investigate the moving causes of his actions physiologically But if we consider the very same actions in relation to reason, not, to be sure, in relation to speculative reason, in order to explain them as regards their origin, but insofar as reason is the cause of producing them by themselves — in a word, if we compare them with reason in a practical respect — then we find a rule and order that is entirely other than the natural order. For perhaps everything that has happened in the course of nature, and on empirical grounds inevitably had to happen, nevertheless ought not to have happened. At times, however, we find, or at least believe we have found, that the ideas of reason have actually proved their causality in regard to the actions of human beings as appearances, and that therefore these actions have occurred not through empirical causes, no, but because they were determined by grounds of reason. Suppose now that one could say reason has causality in regard to appearance; could reason’s action then be called free even though in its empirical character (in the mode of sense) it is all precisely determined and necessary? The empirical character is once again determined in the intelligible character (in the mode of thought). We are not acquainted with the latter, but it is indicated through appearances, which really give only the mode of sense (the empirical character) for immediate cognition. Now the action, insofar as it is to be attributed to the mode of thought as its cause, nevertheless does not follow from it in accord with empirical laws, i.e. in such a way that it is preceded by the conditions of pure reason, but only their effects in the appearance of inner sense precede it. Pure reason, as a merely intelligible faculty, is not subject to the form of time, and hence not subject to the conditions of the temporal sequence. The causality of reason in the intelligible character does not arise or start working at a certain time in producing an effect. For then it would itself be subject to the natural law of appearances, to the extent that this law determines causal series in time, and its causality would then be nature and not freedom.  Thus we could say that if reason can have causality in regard to appearances, then it is a faculty through which the sensible condition of an empirical series of effects first begins. For the condition that lies in reason is not sensible and does not itself begin. Accordingly, there takes place here what we did not find in any empirical series: that the condition of a successive series of occurrences could itself be empirically unconditioned. For here the condition is outside the series of appearances (in the intelligible) and hence not subject to any sensible condition or to any determination of time through any passing cause. Nevertheless, this very same cause in another relation also belongs to the series of appearances. The human being himself is an appearance. His power of choice has an empirical character, which is the (empirical) cause of all his actions. There is not one of these conditions determining human beings according to this character which is not contained in the series of natural effects and does not obey the laws of nature according to which no empirically unconditioned causality is present among the things that happen in time. Hence no given action (since it can be perceived only as appearance) can begin absolutely from itself. But of reason one cannot say that before the state in which it determines the power of choice, another state precedes in which this state itself is determined. For since reason itself is not an appearance and is not subject at all to any conditions of sensibility, no temporal sequence takes place in it even as to its causality, and thus the dynamical law of nature, which determines the temporal sequence according to rules, cannot be applied to it. Reason is thus the persisting condition of all voluntary actions under which the human being appears. Even before it happens, every one of these actions is determined beforehand in the empirical character of the human being. In regard to the intelligible character, of which the empirical one is only the sensible schema, nobefore or after applies, and every action, irrespective of the temporal relation in which it stands to other appearances, is the immediate effect of the intelligible character of pure reason; reason therefore acts freely, without being determined dynamically by external or internal grounds temporally preceding it in the chain of natural causes, and this freedom of reason can not only be regarded negatively, as independence from empirical conditions (for then the faculty of reason would cease to be a cause of appearances), but also indicated positively by a faculty of beginning a series of occurrences from itself, in such a way that in reason itself nothing begins, but as the unconditioned condition of every voluntary action, it allows of no condition prior to it in time, whereas its effect begins in the series of appearances, but can never constitute an absolutely first beginning in this series. In order to clarify the regulative principle of reason through an example of its empirical use — not in order to confirm it (for such proofs are unworkable for transcendental propositions) — one may take a voluntary action, e.g. a malicious lie, through which a person has brought about a certain confusion in society; and one may first investigate its moving causes, through which it arose, judging on that basis how the lie and its consequences could be imputed to the person. WIth this first intent one goes into the sources of the person’s empirical character, seeking them in a bad upbringing, bad company, and also finding them in the wickedness of a natural temper insensitive to shame, partly in carelessness and thoughtlessness; in so doing one does not leave out of account the occasioning causes. In all this one proceeds as with any investigation in the series of determining causes for a given natural effect.  Now even if one believes the action to be determined by these [natural] causes, one nonetheless blames the agent, [because] and not on account of his unhappy natural temper, not on account of the circumstances influencing him, not even on account of the life he has led previously; for one presupposes that it can be entirely set aside how that life was constituted, and that the series of conditions that transpired might not have been, but rather that this deed could be regarded as entirely unconditioned in regard to the previous state, as though with that act the agent had started a series of consequences entirely from themself himself. This blame is grounded on the law of reason, which regards reason as a cause that, regardless of all the empirical conditions just named, could have and ought to have determined the conduct of the person to be other than it is. And indeed one regards the causality of reason not as a mere concurrence with other causes, e but as complete in itself, even if sensuous incentives were not for it but were indeed entirely against it; the action is ascribed to the agent’s intelligible character: now, in the moment when he lies, it is entirely his fault; hence reason, regardless of all empirical conditions of the deed, is fully free, and this deed is to be attributed entirely to its failure to act.

#### There are three ways to categorize the substance of these non-natural properties: Internally, Externally, or from our Constitutive nature as beings. Internalism and Externalism fail – only constitutivism can be solve their deficiencies. Kastafanas 14, Kastafanas, Paul. "Constitutivism About Practical Reasons". *Philarchive.Org*, 2014, <https://philarchive.org/archive/KATCAP>. // Scopa Consider a perfectly homely normative claim, such as “you have to go to the movies.” If we ask what would render this claim true, the answer seems clear: a fact about the agent’s motives. If the claim is true for Allen but false for Betty, this is due to the fact that Allen desires to see the film and Betty does not. It is natural to think that in just this way, reasons will be tied to facts about agent’s motives. But what about claims such as “you have reason not to murder”? That claim seems different. It purports to be universal, applying to all agents. Moreover, it does not seem to depend on the agent’s motives. Suppose Allen has many motives in favor of murdering his uncle (getting revenge for past slights, collecting an inheritance, etc.), and no motives that count against it (he’s a sociopath with no compunction about harming others, and he thinks he’s clever enough to contrive a plan that leaves him with no risk of getting caught). In this simplified case, all of Allen’s motives count in favor of murdering his uncle; none count against it. Nonetheless, most of us want to say that he has reason not to murder. So we face contrary pressures: in certain cases, the claim that reasons are grounded in motives looks exceedingly plausible, indeed obvious; in others, the same claim looks like it generates unacceptable consequences. And so we get a familiar, well-worn philosophical debate: internalists defend the claim that all normative claims are generated in facts about the agent’s motives, whereas externalists deny this. More precisely: (Internalism) Agent A has reason to φ iff A has, or would have after procedurally rational deliberation, a desire or aim whose fulfillment would be promoted by φ-ing. (Externalism) It can be true both that (i) agent A has reason to φ, and (ii) A does not have, and would not have after procedurally rational deliberation, a desire or aim whose fulfillment would be promoted by φ-ing. Each of these theories faces certain difficulties. Internalism has trouble with apparently universal normative claims, such as “you should not murder.” Externalism is tailor-made to capture universal normative claims. Nonetheless, it faces several challenges, including the much-discussed problems of practicality and queerness. First, consider practicality. Moral claims are supposed to be capable of moving us. Recognizing that φ-ing is wrong is supposed to be capable of motivating the agent not to φ. But we might wonder how a claim that bears no relation to any of our motives could have this motivational grip. As Bernard Williams puts it, “the whole point of external reasons statements is that they can be true independently of an agent’s motivations. But nothing can explain an agent’s (intentional) actions except something that motivates him so to act” (1981, 107). William’s suggestion is that if the fact that murder is wrong is to exert a motivational influence upon the person’s action, then the agent must have some motive that is suitably connected to not murdering. And this pushes us back in the direction of internalism. Second, consider Mackie’s argument from queerness. Motives are familiar things, so it seems easy enough to imagine that claims about reasons are claims about relations between actions and motives. Internalism therefore has little difficulty with Mackie’s argument. But what would the relata in an external reasons statement be? Are we to imagine that a claim about reasons is a claim about a relation between an action and some independently existing value? This would be odd: as Mackie puts it, “if there were objective values then they would be entities or relations of a very strange sort, utterly different than anything else in the universe” (1977, 38). For if such values existed, then it would be possible for a certain state of affairs to have “a demand for such-and-such an action somehow built into it” (1977, 40). And this, Mackie concludes, would be a decidedly queer property. In sum: both externalism and internalism have attractive features, yet incur substantial costs. Traditional internalism grounds normative claims in familiar features of our psychologies, yet for that very reason has trouble generating universal normative claims. Externalism generates universal normative claims with ease, yet encounters the problems of practicality and queerness. So we have a pair of unappealing options, and the debate continues. Constitutivism attempts to resolve this dilemma. To put it in an old-fashioned way, constitutivism sublates internalism and externalism, seeing each position as containing a grain of truth, but also as partial and one-sided. The constitutivist agrees with the internalist that the truth of a normative claim depends on the agent’s aims, in the sense that the agent must possess a certain aim in order for the normative claim to be true. However, the constitutivist traces the authority of norms to an aim that has a special status—an aim that is constitutive of being an agent. This constitutive aim is not optional; if you lack the aim, you are not an agent at all. So, while the constitutivist agrees with the internalist that reasons derive from the agent’s aims, the constitutivist holds that there is at least one aim that is intrinsic to being an agent. Accordingly, the constitutivist gets one of the conclusions that the externalist wanted: there are universal reasons for acting.13 Put differently, there are reasons for action that arise merely from the fact that one is an agent. Specifically, these are the reasons grounded in the constitutive aim. So constitutivism can be viewed as an attempt to resolve the dispute between externalists and internalists about practical reason, by showing that there are reasons that arise from non-optional aims.14 In so doing, it generates universal reasons while sidestepping the problems of practicality and queerness.

#### That requires practical reason as the basis for ethics:

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

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

#### That justifies a universal moral law –

#### 1. Absent universal ethics morality becomes arbitrary since it can be meaninglessly applied in different ways without reason. Non-arbitrariness is a side constraint – only non-arbitrary principles can hold agent culpable for their actions since otherwise we could make up ethical rules for different situations to punish people.

#### 2. A priori principles like reason apply to everyone since they are independent of human experience. That means to allow one to violate a rule without another would be a contradiction. Contradictions are a side constraint – it’s an inescapable condition that undermines all arguments since something can’t be both true and false simultaneously

#### Therefore, In order to respect each agent as a practical reasoner, we require a universal set of moral laws for what counts as a violation of the principles of rational reflection. That’s the categorical imperative – it has 4 formulations. Pecorino 02, pecorino, philip. "Categorical Imperative". *Qcc.Cuny.Edu*, 2002, <https://www.qcc.cuny.edu/socialsciences/ppecorino/medical_ethics_text/Chapter_2_Ethical_Traditions/Categorical_Imperative.htm>. For Kant the basis for a Theory of the Good lies in the intention or the will. Those acts are morally praiseworthy that are done out of a sense of duty rather than for the consequences that are expected, particularly the consequences to self. The only thing GOOD about the act is the WILL, the GOOD WILL. That will is to do our DUTY. What is our duty? It is our duty to act in such a manner that we would want everyone else to act in a similar manner in similar circumstances towards all other people. Kant expressed this as the Categorical Imperative. Act according to the maxim that you would wish all other rational people to follow, as if it were a universal law. For Kant the GOOD involves the Principle of Universalizability! Kant argues that there can be four formulations of this principle: The Formula of the Law of Nature: "Act as if the maxim of your action were to become through your will a universal law of nature."The Formula of the End Itself: "Act in such a way that you always treat humanity, whether in your own person or in the person of any other, never simply as a means, but always at the same time as an end."The Formula of Autonomy: "So act that your will can regard itself at the same time as making universal law through its maxims."The Formula of the Kingdom of Ends: "So act as if you were through your maxims a law-making member of a kingdom of ends."

#### However, we require an enforcement mechanism for these principles since rights claims can’t exist in the state of nature. What follows is the omnilateral will. Varden 10, Helga. "A Kantian Conception of Free Speech." Freedom of Expression in a Diverse World, 2010 // AHS RG The first important distinction between Kant and much contemporary liberal thought issues from Kant’s argument that it is not in principle possible for individuals to realize right in the state of nature. Kant explicitly rejects the common assumption in liberal theories of his time as well as today that virtuous private individuals can interact in ways reconcilable both with one another’s right to freedom and their corresponding innate and acquired private rights. All the details of this argument are beyond the scope of this paper. It suffices to say that ideal problems of assurance and indeterminacy regarding the specification, application and enforcement of the principles of private right to actual interactions lead Kant to conclude that rightful interaction is in principle impossible in the state of nature.5 Kant argues that only a public authority can solve these problems in a way reconcilable with everyone’s right to freedom. This is why we find Kant starting his discussion of public right with this claim: however well disposed and right-loving men might be, it still lies a priori in the rational idea of such a condition (one that is not rightful) that before a public lawful condition is established individual human beings… can never be secure against violence from one another, since each has her own right to do what seems right and good to her and not be dependent upon another’s opinion about this (6: 312).6 There are no rightful obligations in the state of nature, since in this condition might (‘violence’, or arbitrary judgments and ‘opinion’ about ‘what seems right and good’) rather than right (freedom under law) ultimately governs interactions. According to Kant, therefore, only the establishment of a public authority can enable interaction in ways reconcilable with each person’s innate right to freedom. Moreover, only a public authority can ensure interaction consistent with what Kant argues are our innate rights (to bodily integrity and honor) and our acquired rights (to private property, contract and status relations). The reason is that only the public authority can solve the problems of assurance and indeterminacy without violating anyone’s right to freedom. The public authority can solve these problems because it represents the will of all and yet the will of no one in particular. Because the public authority is representative in this way – by being “united a priori” or by being an “omnilateral” will (6: 263) – it can regulate on behalf of everyone rather than on behalf of anyone in particular. For these reasons, civil society is seen as the only means through which our interactions can become subject to universal laws that restrict everyone’s freedom reciprocally rather than as subject to anyone’s arbitrary choices.

#### Thus, the standard is consistency with the categorical imperative as enacted through the omnilateral will.

#### And, Only evaluate Intents:

#### 1. To account for all foreseen impacts would prevent action because individuals would become morally culpable for all actions and states of affairs not just those that factor into the will

#### 2. Otherwise ethical theories hold agents responsible for consequences external to their will which removes any reason to be moral because agents cannot control what they are being punished for

#### 3. Induction fails – it’s incoherent to justify the past to justify the future because there’s no logical certainty that what has happened before will happen again

#### 4. Since it requires evaluating end-states we can’t know whether the action was good until after it was taken which means the judge cannot determine whether the aff is good

#### 5. Consequences empirically impossible to predict. Menand 05, Louis Menand (the Anne T. and Robert M. Bass Professor of English at Harvard University) “Everybody’s An Expert” The New Yorker 2005 <http://www.newyorker.com/magazine/2005/12/05/everybodys-an-expert//> FSU SS “Expert Political Judgment” is not a work of media criticism. Tetlock is a psychologist—he teaches at Berkeley—and his conclusions are based on a long-term study that he began twenty years ago. He picked two hundred and eighty-four people who made their living “commenting or offering advice on political and economic trends,” and he started asking them to assess the probability that various things would or would not come to pass, both in the areas of the world in which they specialized and in areas about which they were not expert. Would there be a nonviolent end to apartheid in South Africa? Would Gorbachev be ousted in a coup? Would the United States go to war in the Persian Gulf? Would Canada disintegrate? (Many experts believed that it would, on the ground that Quebec would succeed in seceding.) And so on. By the end of the study, in 2003, the experts had made 82,361 forecasts. Tetlock also asked questions designed to determine how they reached their judgments, how they reacted when their predictions proved to be wrong, how they evaluated new information that did not support their views, and how they assessed the probability that rival theories and predictions were accurate. Tetlock got a statistical handle on his task by putting most of the forecasting questions into a “three possible futures” form. The respondents were asked to rate the probability of three alternative outcomes: the persistence of the status quo, more of something (political freedom, [e.g.] economic growth), or less of something (repression, [e.g.] recession). And he measured his experts on two dimensions: how good they were at guessing probabilities (did all the things they said had an x per cent chance of happening happen x per cent of the time?), and how accurate they were at predicting specific outcomes. The results were unimpressive. On the first scale, the experts performed worse than they would have if they had simply assigned an equal probability to all three outcomes—if they had given each possible future a thirty-three-per-cent chance of occurring. Human beings who spend their lives studying the state of the world, in other words, are poorer forecasters than dart-throwing monkeys, who would have distributed their picks evenly over the three choices.

6. Psychology – Agents intuitively prefer intent. Botti et al 09, Botti, Simona, Kristina Orfali, and Sheena S. Iyengar. "Tragic Choices: Autonomy and Emotional Responses to Medical Decisions." *J Consum Res Journal of Consumer Research* 36.3 (2009): 337-52. 2009. Web. Specifically, we study how making a tragic choice, versus having the same tragic choice externally made, affects individuals’ desire for autonomy and their emotional reactions to the same decision outcome. Prior research has shown that the sense of agency and internal locus of control associated with the act of choosing lead to perceptions of personal causality, whereas the imposition of a choice is removed from the idea of personal causality because it presupposes an external, rather than internal, locus of control (Brehm 1966; deCharms 1968; Deci and Ryan 1985; Langer 1975; Seligman 1975; Taylor and Brown 1988). Stronger causal ascriptions, in turn, have been found to magnify the intensity of emotional responses to an event, so that perceptions of personal causation intensify positive affect from desirable outcomes but also enhance negative affect from undesirable outcomes (Gilovich, Medvec, and Chen 1995; Landman 1987; Ritov and Baron 1995; Weiner 1986). Thus, we hypothesize that a decision outcome following a tragic choice will generate more extreme negative emotions when it is personally chosen because of a greater sense of causality; in contrast, when the same tragic choice is externally determined, negative emotions will be lessened by the per- ceived absence of a causal link with the aversive experience. Yet the torments of making tragic choices do not necessarily reduce people’s desire for autonomy. Prior research has shown that consumers confronted with choices that detrimentally affect their well-being still prefer making these choices themselves rather than having the same choices made for them by somebody else (Botti and Iyengar 2004; Botti and McGill 2006). This desire for choice in spite of its negative consequences can be attributed to consumers’ belief that they will maximize subjective utility by selecting the option that best matches personal preferences (Hotelling 1929). Even when individuals are unaware of their preferences, choosing activates a psychological immune system that facilitates preference matching by subjectively bolstering the value of a personally selected outcome (Gilbert et al. 1998). Through subjective bolstering decision makers are able to reduce the emotional discomfort of decisions that may not be consistent with individual preferences by con- vincing themselves and others that they had chosen the best- matching option (Brehm 1966; Festinger 1957; Shafir et al. 1993).

### Contention

#### I contend that member nations of the WTO ought to eliminate intellectual property protections on medicine.

#### 1. Universalizability – A) IP is created to encourage innovation but necessarily entails a prevention of innovation through restriction of necessary prior knowledge and B) In attempting to allow freedom, it restricts it. **Pievatolo 10,** Pievatolo, Maria. “Freedom, Ownership and Copyright: Why Does Kant Reject the Concept of Intellectual Property?” *Freedom, Ownership and Copyright: Why Does Kant Reject the Concept of Intellectual Property?*, 7 Feb. 2010, bfp.sp.unipi.it/chiara/lm/kantpisa1.html. SJEP

In the Metaphysics of Morals, Kant seems to take for granted that the objects of real rights are only corporeal entities or res corporales: «Sache ist ein Ding, was keiner Zurechnung fähig ist. Ein jedes Object der freien Willkür, welches selbst der Freiheit ermangelt, heiß daher Sache (res corporalis)». [32](http://bfp.sp.unipi.it/chiara/lm/kantpisa1.html#ftn.id2478823) Theoretically, however, such a negative definition could have been appropriate to incorporeal things as well. According to Kant, the rightful possession of a thing should be distinguished from its sensible possession. Something external would be rightfully mine «only if I may assume that i could be wronged by another's use of a thing even though I am not in possession of it» (AA.06 [245:13-16](http://virt052.zim.uni-duisburg-essen.de/Kant/aa06/245.html)). The rightful possession is an intelligible, not sensible, relation. I can claim that my bicycle is mine only if I am entitled to require that nobody takes it even when I leave it alone in the backyard. Kant's theory of property is very different from Fichte's principle of property as explained in his 1793 essay, according to which we are the rightful owners of a thing, the appropriation of which by another is physically impossible. For this reason, according to Fichte, the originality of the exposition entitles an author to claim a rightful property on his work. Is it really so obvious that originality implies property? Property is a comfortable social convention that allows us to avoid to quarrel all the time over the use of material objects. It is so comfortable just because it is physically possible to appropriate things; we do not need to invoke property when something cannot be separated from someone. I say both that my fingerprints or my writing style are "mine" and that my bicycle is "mine". But these two "mine" have a different meaning: the former is the "mine" of attribution; the latter is the "mine" of property. The former can be used to identify someone, and conveys the historical circumstance that something is related exclusively to someone; the latter points only to an accidental relation with an external thing, if we consider it from a physical point of view. It is possible to lie on a historical circumstance, by plagiarizing a text, i.e. by attributing it to a person who did not wrote it. However, properly speaking, no one can "steal" the historical connection between "my" writing style and me: the convention of property is useless, in this case. Besides, if Fichte's principle were the only justification of property right, it would undermine the very concept of it: as it is physically possible to "attribute" my bicycle to another, when I leave it alone in the backyard, everyone would be entitled to take it for himself. As Kant would have said, a legal property right cannot be founded on sensible situations, but only on intelligible relations. Although he defines things as res corporales, Kant determines the rightful possession of a thing as a possession without detentio, by ignoring all its sensible facets. Such a possession - a possession of a thing without holding it - is exerted on an object that is "merely distinct from me", regardless of its position in space and time. Space and time, indeed, are sensible determinations and should be left out of consideration. According to the postulate of practical reason with regard to rights, property is justified by a permissive law of reason: [33](http://bfp.sp.unipi.it/chiara/lm/kantpisa1.html#ftn.id2533469) if a rightful possession were not possible, every object would be a res nullius and nobody would be entitled to use it. Kant implicitly denies that a res nullius can be used by everyone at the same time. His tacit assumption suggests that the objects of property, besides being distinct from the subjects, are excludable and rivalrous as well, just like the res corporales. Kant asserts that something external is mine if I would be wronged by being disturbed in my use of it even though I am not in possession of it (AA.6, [249:5-7](http://virt052.zim.uni-duisburg-essen.de/Kant/aa06/249.html)). If property is a merely intelligible relation with an object that is simply distinct from the subject, we have no reason to deny that such an object might be immaterial as well, just like the objects of intellectual property. Why, then, does Kant refrain from using the very concept of it? According to him, a speech is an action of a person: it belongs to the realm of personal rights. A person who is speaking to the people is engaging a relationship with them; if someone else engages such a relationship in his name, he needs his authorization. The reprinter, as it were, does not play with property: he is only an agent without authority. Speeches, by Kant, cannot be separated from persons: he has seen the unholy promised land of intellectual property without entering it. According to Kant, before the acquired rights, everyone has a moral capacity for putting others under obligation that he calls innate right or internal meum vel tuum (AA.06, [237:24-25](http://virt052.zim.uni-duisburg-essen.de/Kant/aa06/237.html)). The innate right is only one: freedom as independence from being constrained by another's choice, insofar it can coexist with the freedom of every other in accordance with a universal law. Freedom belongs to every human being by virtue of his humanity: in other words, it has to be assumed before every civil constitution, because it is the very possibility condition of law. Freedom implies innate equality, «that is, independence from being bound by others to more than one can in turn bind them; hence a human being's quality of being his own master (sui iuris), as well as being a human being beyond reproach (iusti) since before he performs any act affecting rights he has done no wrong to anyone, and finally his being authorized to do to others anything that does not in itself diminish what is theirs, so long as they do not want to accept it - such things as merely communicating his thoughts to them.» (AA.06, [237-238](http://virt052.zim.uni-duisburg-essen.de/Kant/aa06/237.html)) [34](http://bfp.sp.unipi.it/chiara/lm/kantpisa1.html#ftn.id2533617) In spite of his intellectual theory of property, [35](http://bfp.sp.unipi.it/chiara/lm/kantpisa1.html#ftn.id2533628) Kant does not enter in the realm of intellectual property for a strong systematic reason. Liberty of speech is an important part of the innate right of freedom. It cannot be suppressed without suppressing freedom itself. If the ius reale were applied to speeches, a basic element of freedom would be reduced to an alienable thing, making it easy to mix copyright protection and censorship. [36](http://bfp.sp.unipi.it/chiara/lm/kantpisa1.html#ftn.id2533656) Property rights are based on the assumption that its objects are excludable and rivalrous and need to be appropriated by someone to be used. We cannot, however, deal with speeches as they were excludable and rivalrous things that need to be appropriated to be of some use, because excluding people from speeches would be like excluding them from freedom. Therefore, Kant binds speeches to the persons and their actions, and limits the scope of copyright to publishing, or, better, to the publishing of the age of print: the Nachdruck is unjust only when someone reproduces a text without the author's permission and distributes its copies to the public. If someone copies a book for his personal use, or lets others do it, or translates and elaborates a text, there is no copyright violation, just because it is not involved any intrinsic property right, but only the exercise of the innate right of freedom. The boundary of Kant's copyright is the public use of reason, as a key element of a basic right that should be recognized to everyone. Kant does not stick to the Roman Law tradition because of conservatism, but because of Enlightenment.

#### 2. Means to an End – Property rights on medicine use individuals suffering from disease or injury as a means for the owners of medicine to make as much profit as possible. This is a direct violation since property owners use their freedom to leverage the life of another agent for their own gain, rather than considering all agents ends that we ought to relieve our instrumental goods for.

#### And, your free-riding turns make no sense. Absolute protection on patents allows free-riding and stifles scientific growth

**Vethan Law Firm 16,** (Vethan Law, 11-14-2016, accessed on 9-12-2021, Info.vethanlaw, "Free Rider Problem: What Is IP and the Problem of Free Riding?", https://info.vethanlaw.com/blog/intellectual-property-what-is-ip-and-the-problem-of-free-riding)

The free rider problem found in intellectual property protection is that owners of patents, overly supported by the judicial and legislative branches, believe their patents provide them absolute rights. This can create a free rider problem because patents are not developed in a vacuum outside of the flow of history or the allocation of resources. Many patent owners, by virtue of “standing on the shoulders of giants," free ride on resources, goods or services for which they have not paid. Fundamental scientific discoveries such as the principles of internal combustion, general and special relativity, the double-helix structure, and binary code were never patented; the famous scientists behind them never “monetized” in the current parlance. New inventors know this, and craft their patent strategies accordingly. The cumulative result of this is an “under-provision of those goods and services,” i.e. work in basic science, or the kind of work that falls outside of patentable subject matter. There is an accompanying over-eagerness to secure patent rights as though they conferred worth in and of themselves, rather than merely striking the right monopoly vs. novelty balance necessary to foster innovation. Too often, this comes even at the expense of determining whether the patented article or process will be otherwise legally compliant, or profitably marketable!

#### 3. Kingdom of Ends – A) Intellect – the intellectual realm is a public good because no agent has special access to it, which means cornering off aspects of it for ownership is incoherent, since non-naturalism entails an equal accessibility to the realm of ideas, individuals cannot claim to own a portion of that realm B) Medicine – Medicine specifically is a necessary good that an agent in a kingdom of ends would never claim ownership over, because it is necessarily required for an agent to exist. In the same way no agent would allow for an individual to have ownership over the chemical compound that comprises water, no agent would allow for ownership of medicinal properties.

#### And, your property rights libertarianism turns are incoherent: A) Logic – it’s impossible for an individual to claim ownership over a non-natural property because the protections of property requires a good to be protected. You cannot ensure another agents doesn’t steal an idea since the idea exists purely metaphysically in the realm of ideas B) Creationism – Property rights are based on the notion of an individual mixing a unique aspect of themselves with a physical property that justifies a deserving of ownership, but intellectual property is not created by individuals, but rather, is discovered. That means we’d be providing arbitrary ownership of an idea to an agent that didn’t create it.

1. [http://dictionary.reference.com/browse/negate, http://www.merriam-webster.com/dictionary/negate, http://www.thefreedictionary.com/negate, http://www.vocabulary.com/dictionary/negate, http://www.oxforddictionaries.com/definition/english/negate] [↑](#footnote-ref-1)