## Shell

#### Interp – The negative must grant the aff presumption or permissibility.

#### A violation would be reading both or contesting one in the 2n.

#### Prefer –

#### A) Strat skew – otherwise it incentivizes the 1n to read multiple NIBs and frontload the 1n with presumption and permissibility offense which is particularly bad since there isn’t a substantive truth to either side it’s a q of how long you can spend on it which means the neg wins substance every round

#### B) Timeskew – I have to invest major time in the 1ar winning both because 2n flexibility can collapse to either one with a hidden trigger, only having to answer one or do weighing saves me half that time which is key in the 4 min 1ar

**Framework**

**I Affirm, there is no singe mind independent moral truth—instead each person creates their own conception of the good**

J.L **Mackie**, Australian Philosopher, The subjectivity of values, **1977**, ///AHS PB

**[First] The Argument from Relativity** The argument from relativity has as its premiss **the wellknown variation in moral codes** from one society to another and from one period to another, and also the differences in moral beliefs between different groups and classes within a complex community. Such variation **is in itself merely a truth of descriptive morality**, a fact of anthropology which entails neither first order nor second order ethical views. Yet it may indirectly support second order subjectivism: **radical differences between first order moral judgements make it difficult to treat those judgements as apprehensions of objective truths**. But it is not the mere occurrence of disagreements that tells against the objectivity of values. Disagreement on questions in history or biology or cosmology does not show that there are no objective issues in these fields for investigators to disagree about. But such scientific disagreement results from speculative inferences or explanatory hypotheses based on inadequate evidence, and it is hardly plausible to interpret moral disagreement in the same way. **Disagreement about moral codes seems to reflect people ’ s adherence to and participation in different ways of life**. The causal connection seems to be mainly that way round: it is that **people approve of monogamy because they participate in a monogamous way of life rather than that they participate in a monogamous way of life because they approve of monogamy**. Of course, the standards may be an idealization of the way of life from which they arise: the monogamy in which people participate may be less complete, less rigid, than that of which it leads them to approve. This is not to say that moral judgements are purely conventional. Of course there have been and are moral heretics and moral reformers, people who have turned against the established rules and practices of their own communities for moral reasons, and often for moral reasons that we would endorse. But this can usually be understood as the extension, in ways which, though new and unconventional, seemed to them to be required for consistency, of rules to which they already adhered as arising out of an existing way of life. In short, the argument from relativity has some force simply because the actual **variations in the moral codes are more readily explained by the hypothesis that they reflect ways of life than by the hypothesis that they express perceptions, most of them seriously inadequate and badly distorted, of objective values**. But there is **a well-known counter to this argument from relativity, namely to say that the items for which objective validity is in the first place to be claimed are not specific moral rules or codes but very general basic principles which are recognized at least implicitly to some extent in all society** – such principles as provide the foundations of what Sidgwick has called different methods of ethics: the principle of universalizability, perhaps, or the rule that one ought to conform to the specific rules of any way of life in which one takes part, from which one profits, and on which one relies, or some utilitarian principle of doing what tends, or seems likely, to promote the general happiness. It is easy to show that such general principles, married with differing concrete circumstances, different existing social patterns or different preferences, will beget different specific moral rules; and there is some plausibility in the claim that the specific rules thus generated will vary from community to community or from group to group in close agreement with the actual variations in accepted codes. The argument from relativity can be only partly countered in this way. **To take this line the moral objectivist has to stay that it is only in these principles that the objective moral character attaches immediately to its descriptively specified ground or subject: other moral judgements are objectively valid or true, but only derivatively and contingently – if things had been otherwise, quite different sorts of actions would have been right.** And despite the prominence in recent philosophical ethics of universalization, utilitarian principles, and the like, these are very far from constituting the whole of what is actually affirmed as basic in ordinary moral thought. Much of this is concerned rather with what Hare calls “ideals” or, less kindly, ‘fanaticism’. That is, people judge that some things are good or right, and others are bad or wrong, not because – or at any rate not only because – they exemplify some general principle for which widespread implicit acceptance could be claimed, but because something about those things arouses certain responses immediately in them, though they would arouse radically and irresolvably different responses in others. ‘Moral sense’ or ‘intuition’ is an initially more plausible description of what supplies many of our basic moral judgements than ‘reason’. With regard to all these starting points of moral thinking the argument from relativity remains in full force. **[Second] The Argument from Queerness** Even more important, however, and certainly more generally applicable, is the argument from queerness. This has two parts, one metaphysical, the other epistemological. **If there were objective values, then they would be entities or qualities or relations of a very strange sort, utterly different from anything else in the universe. Correspondingly, if we were aware of them, it would have to be by some special faculty of moral perception or intuition, utterly different from our ordinary ways of knowing everything else**. These points were recognized by Moore when he spoke of nonnatural qualities, and by the intuitionists in their talk about a ‘faculty of moral intuition’. Intuitionism has long been out of favour, and it is indeed easy to point out its implausibilities. What is not so often stressed, but is more important, is that the central thesis of intuitionism is one to which any objectivist view of values is in the end committed: intuitionism merely makes unpalatably plain what other forms of objectivism wrap up. Of course the suggestion that moral judgements are made or moral problems solved by just sitting down and having an ethical intuition is a travesty of actual moral thinking. But, however complex the real process, it will require (if it is to yield authoritatively prescriptive conclusions) some input of this distinctive sort, either premisses or forms of argument or both. When we ask the awkward question, **how we can be aware of this authoritative prescriptivity, of the truth of these distinctively ethical premisses or of the cogency of this distinctively ethical pattern of reasoning, none of our ordinary accounts of sensory perception or introspection or the framing and confirming of explanatory hypotheses or inference or logical construction or conceptual analysis, or any combination of these, will provide a satisfactory answer; ‘a special sort of intuition’ is a lame answer**, but it is the one to which the clearheaded objectivist is compelled to resort. Indeed, the best move for the moral objectivist is not to evade this issue, but to look for companions in guilt. For example, Richard Price argues that it is not moral knowledge alone that such an empiricism as those of Locke and Hume is unable to account for, but also our knowledge and even our ideas of essence, number, identity, diversity, solidity, inertia, substance, the necessary existence and infinite extension of time and space, necessity and possibility in general, power, and causation. If the understanding, which Price defines as the faculty within us that discerns truth, is also a source of new simple ideas of so many other sorts, may it not also be a power of immediately perceiving right and wrong, which yet are real characters of actions? This is an important counter to the argument from queerness. The only adequate reply to it would be to show how, on empiricist foundations, we can construct an account of the ideas and beliefs and knowledge that we have of all these matters. I cannot even begin to do that here, though I have undertaken some parts of the task elsewhere. I can only state my belief that satisfactory accounts of most of these can be given in empirical terms. If some supposed metaphysical necessities or essences resist such treatment, then they too should be included, along with objective values, among the targets of the argument from queerness. **This queerness does not consist simply in the fact that ethical statements are ‘unverifiable’**. Although logical positivism with its verifiability theory of descriptive meaning gave an impetus to non-cognitive accounts of ethics, it is not only logical positivists but also empiricists of a much more liberal sort who should find objective values hard to accommodate. Indeed, I would not only reject the verifiability principle but also deny the conclusion commonly drawn from it, that moral judgements lack descriptive meaning. **The assertion that there are objective values or intrinsically prescriptive entities or features of some kind, which ordinary moral judgements presuppose, is, I hold, not meaningless but false**. Plato ’ s Forms give a dramatic picture of what objective values would have to be. The Form of the Good is such that knowledge of it provides the knower with both a direction and an overriding motive; something ’ s being good both tells the person who knows this to pursue it and makes him pursue it. An objective good would be sought by anyone who was acquainted with it, not because of any contingent fact that this person, or every person, is so constituted that he desires this end, but just because the end has to-be-pursuedness somehow built into it. **Similarly, if there were objective principles of right and wrong, any wrong (possible) course of action would have not-to-be-doneness somehow built into it**. Or we should have something like Clarke ’ s necessary relations of fitness between situations and actions, so that a situation would have a demand for such- andsuch an action somehow built into it. The need for an argument of this sort can be brought out by reflection on Hume ’ s argument that ‘reason’ – in which at this stage he includes all sorts of knowing as well as reasoning – can never be an ‘influencing motive of the will’. Someone might object that Hume has argued unfairly from the lack of influencing power (not contingent upon desires) in ordinary objects of knowledge and ordinary reasoning, and might maintain that values differ from natural objects precisely in their power, when known, automatically to influence the will. To this Hume could, and would need to, reply that this objection involves the postulating of value-entities or value-features of quite a different order from anything else with which we are acquainted, and of a corresponding faculty with which to detect them. That is, he would have to supplement his explicit argument with what I have called the argument from queerness. **Another way of bringing out this queerness is to ask, about anything that is supposed to have some objective moral quality, how this is linked with its natural features. What is the connection between the natural fact that an action is a piece of deliberate cruelty – say, causing pain just for fun – and the moral fact that it is wrong? It cannot be an entailment, a logical or semantic necessity**. Yet it is not merely that the two features occur together. **The wrongness must somehow be ‘consequential’ or ‘supervenient’; it is wrong because it is a piece of deliberate cruelty. But just what in the world is signified by this ‘because’? And how do we know the relation that it signifies**, if this is something more than such actions being socially condemned, and condemned by us too, perhaps through our having absorbed attitudes from our social environment? It is not even sufficient to postulate a faculty which ‘sees’ the wrongness: something must be postulated which can see at once the natural features that constitute the cruelty, and the wrongness, and the mysterious consequential link between the two. Alternatively, the intuition required might be the perception that wrongness is a higher order property belonging to certain natural properties; but what is this belonging of properties to other properties, and how can we discern it? How much simpler and more comprehensible the situation would be if we could replace the moral quality with some sort of subjective response which could be causally related to the detection of the natural features on which the supposed quality is said to be consequential.

**Instead the subject is created through an encounter with the other and determines what is by reflecting on what it is not. This mutual recognition constructs concepts of good and bad from the social and cultural standpoint the meeting occurs in.**

**Sevilla** A.L. (**2017**) Relationality vs. Singularity: Between Care Ethics and Poststructuralism. In: Watsuji Tetsurô’s Global Ethics of Emptiness. Global Political Thinkers. Palgrave Macmillan, Cham, <https://doi.org/10.1007/978-3-319-58353-2_2> ///AHS PB

**Thinking, questioning, are often taken as a demonstration of the indubitable existence of the ego** (as in Descartes’ famous methodic doubt). Sometimes **this is** even **developed into a solipsist position (I can be sure that I exist because I am thinking, but I don’t know if anyone else exists). However**, Watsuji reads these acts in the complete opposite way: **questioning shows how our individuality is fundamentally connected to others** through shared language and concerns.1 He writes: “No matter how much we concern ourselves with the consciousness of I, this concern itself implies **our** going beyond the consciousness of I and being connected with others.”2 What we see here is a completely different **starting point**: **We take our departure not from the intentional consciousness of “I” but from “betweenness**.” The essential feature of betweenness lies in this, **that the intentionality of the I is from the outset prescribed by its counterpart, which is also conversely prescribed by the former.3 This betweenness as a starting point applies not only to asking ethical questions but also to all our acts as human beings. For example**, right now, I am writing. But my **writing is always determined by possible readers**—what kind of people would read my book? What parts might they find unclear? In the same way, the reader is perhaps at this point wondering what I am thinking, and what ideas I am trying to convey. **The author is always determined by readers, and a reader is always determined by authors in a reciprocal determination and mutual dependency**. Therefore, Watsuji does not even start with an independent author and an independent reader, who then have a relationship. Rather, “**This relationship is constructed through and through in the betweenness between an author and his readers. Neither can exist prior to and independent of the other. They exist only by depending on one another.”4**

**Thus any account of ethics presupposes a coherent relationship with the Other: A] Endpoints: The Only thing that distinguishes an immoral action like punching a person, from a morally neutral action like punching a statue is that an Other is being acted upon, since the it has the goal of effecting an agent. B] Performativity: Responding to my framework concedes its authority since language presupposes multiple parties who mutually assign words meaning C] Actor Spec: States are made up of Others, which means that any theory of good that only relates to the individual cannot motivate collective action, since Others couldn’t access it.**

**All relationships require reciprocal recognition, where the I and the Other treat each other with mutual respect and both recognize each other in a non-totalizing fashion. Such reciprocity is impeded by skewed power dynamics in the encounter and is key to any conception of linguistic and moral truth.**

Emmanuel **Levinas**, Jewish-Lithuanian Philosopher, **Summarizes**, "Martin **Buber** and the, Theory of Knowledge, **1967** ,///AHS PB

Verbundenheit characterizes **the reciprocity of the I-Thou relation** **and** of the **dialogue** where I commit myself to the Thou just because it **is absolutely other. The essence of the 'word' does not initially consist in its objective meaning or descriptive possibilities, but in the response that it elicits. The assertion is not true because the thought that it expresses corresponds to the thing or because it is revelatory of being. It is true only when it derives from the I-Thou relation identical with the ontological process itself. The assertion is true when it realizes the reciprocity of the relation by eliciting a response and singling out an individual who alone is capable of responding.** This conception of the truth has nothing in common with the static notion of truth as an expressible content**.** But it is not to be assumed that a Heraclitian or Bergsonian becoming, also inexpressible because **the word is necessarily a changeless entity and cannot apply to what is always changing, is the sole reality that may be opposed to immutable being**. For Buber describes a sphere of **being** which **cannot be told because it is a living dialogue between individuals who are not related as objective contents to one another**: one individual has nothing to say about the other. The sensitivity of the I-Thou relation lies in its completely formal nature. **To apprehend the other as a content is tantamount to relating oneself to him as an object and is to enter into an I-It relation instead. The notion of truth** (with respect to which Buber's language is insufficiently didactic) **is** determinated by the I-Thou relation **construed as the fundamental relation to being.** We must distinguish Truth possessed, Truth as an impersonal result, called also **objective Truth** (283) from the Truth as a "way of being," a manner of truly being which denotes God. But truth also **signifies a "concrete attitude towards being,"** "Realverhältnis zum Seienden" (198-199) **and the living test which verifies it** (BewAhrung). "**To know signifies for the creature to fulfill a relation with being**, for everyone in his own particular way, sincerely (wahrhaft) and **with complete responsibility, accepting it on faith in all its various manifestations and therefore open to its real possibilities, integrating these experiences according to its own nature. It is only in this way that the living truth emerges and can be preserved." (283)**

#### Non-Reciprocal relationships prevent mutual ethics: A] Framing: When the I and the Other don’t view each other reciprocally, they reduce are reduced to ideas of what they are like instead of their real selves. B] Epistemology: nonreciprocal relationships always benefit one party more than the other, which means that any ethical norms agreed too will be corrupted by the influence of those with power. C] Normativity: nobody would agree to engage in an ethical relationship that arbitrarily discriminated against them, so reciprocal relations are key because both parties enter with the expectation of equal treatment. D] A practice that negates is not contradictory to a practice that affirms, and thus proving my end affirms is sufficient. So, proving the converse of the resolution is not sufficient to disprove the resolution’s truth. And, this is also true of obligations since an obligation existing doesn’t mean that there can’t be a stronger obligation to do something else, as an obligation is a locus of moral duty and there can always be different obligations, particularly allowing for individual meaning creation is inherently good regardless of the content of index.

**Thus the standard is preserving reciprocal relationships with the other. Even if your framework is the correct moral system, we cant access it without reciprocal relations, so my offense comes first as a side constraint. Prefer:**

**[1] Judge Actions based on consistency with a procedural standard, not foreseen consequences: A] Attempting to aggregate Other’s is not reciprocal since it views the I as an superior being who can assign value to lives B] Consequences trigger more consequences so we don’t know which ones to hold people culpable for C] Induction fails since every observation is based on a previous one D] Consequentialism can never call things like murder intrinsically bad since moral value is contingent upon the individual ends**

**[2] Ideal theory is key: A] Failure to abstract away from our subject position means agents are fully aware of their self-interest and will coopt your movement. B] only ideal theory can say things like racism are always wrong because we have universal standard to hold people too, not just an individual perspective C] Ideal theory prevents epistemic bias since by abstracting away from our identities and factors that cloud or judgement we can see what is universally good for everyone not just us.**

**Offense**

**[1] IP rights structurally prevent all people from accessing the same intellectual rights by not giving life-saving medication to poorer nations.**

**Morabito 15** - “Essay: Pharmaceuticals and Global Justice: Balancing Public Health and Intellectual Property Rights” by Marisa Morabito [https://scholarship.shu.edu/cgi/viewcontent.cgi?referer=https://scholar.google.com/&httpsredir=1&article=1808&context=student\_scholarship] //ahs emi

The approach to IP rights and global pharmaceutical industry thus requires a different philosophical, ethical framework. I would like to suggest a virtue and human flourishing approach which is based on human good and well-being and helping others to also be able to flourish by living ethical lives which parallels Nussbaum's capabilities approach, a virtue ethics view.la Virtue ethics is an ethical system based upon adherence to a principle. Virtue ethicists believe that there are "certain ideals toward which we should strive...[to allow] for the full development of our humanity" by looking at what humans can become.ls The virtue ethicist focuses on humans achieving their maximum potential while having virtues of compassion, generosity and courage.l6 For instance, "a person who has developed virtues will be naturally disposed to act in ways consistent with moral principles.lT Virtue ethics emphasizes character formation and habits to foster positive improvements in the world.18 A virtuous person wants to behave well and looks at a circumstance and decides what is right and wishes to behave according to what is right.le This view aligns with Nussbaum who takes a capabilities view which is based on the idea that well-being is "of vital moral importance [and]... individuals must have real opportunities to live well and to flourish as human beings.20 Nussbaum's capabilities view looks at the important functions of a human being and looks at what institutions are doing for those capabilities.2r For example, functions and capabilities are set and then we observe whether intuitions are promoting human flourishing based on these principles.22 If the standards are not being met, we must try to change the institution's policies to allow for human flourishing.23 Nussbaum's capabilities approach explains what flourishing is and tries to achieve this flourishing worldwide.2a Based on this theory, IP rights "generate a material circumstance for a majority of the world in which we can't maximally exercise our intellectual capacities, and thus we fail as a species to maximally flourish."25 Therefore any further discussion of IP rights and the global pharmaceutical industry must proceed clearly focused on adherence to a moral principle; maximizing human flourishing. Successful efforts in South Africa were only achieved when the policy became virtue/principle based. In the Minister of Health v. Treatment Action Campaign, the court ruled that the government breached the people's right to have access to health care services when it prevented drug availability to pregnant women in order to stop mother-to-child HIV transmission.26 2.4 million people have received free anti-retroviral treatment in 2013 which was a 1.4 million increase from 2009 while over 20 million people have been tested for HIV since the government created counseling and testing programs in2010.27 South Africa's goal is to have an extra 4.6 million people receiving anti-retroviral treatment within the next five years.28 Furthermore, South Africa has reduced the prices of anti-retrovirals and there was a tender to make one ARV pill which can be used once instead of having to take three pills two times per day which means there will be fewer pills used and consumed.2e Although there have been successes, the South African population continues to have the highest number of HIV/AIDS infected people globally as millions still lack access to ARVs.30 The ongoing tension between the fight against poverty and IP rights continues to persist at the mercy of humans in poorer nations who are unable to afford medications to cure their illnesses and diseases which hinders maximum human **f**lourishing and does not express good character. In her article "Common Ground: The Case for Collaboration Between Anti-Poverty Advocates and Public Interest Intellectual Property Advocates" Cantrell states that with intellectual property advocates, their focus is on the individuals rights to create, appropriate, and recreate.3l However, the tension between the fight against poverty and the protection of intellectual property rights is evident as the IP movement's success is frequently at the expense of the poor.32 Cantrell continues to state that Martha Nussbaum's virtue theory of human capabilities suggests that every person should have the ability to live a flourishing life yet the IP movement has placed limitations on what a person can do and be as a result of continued poverty.33

**[2] Property rights dont treat people as equal – assumes that some people have a divine right to help other people. This is because if you have property rights you have more power then people who don’t because you have access and they don’t.**

## Underview

**1. Aff gets no RVI, Drop the debater, competing interps, 1AR Theory a) infinite abuse since otherwise it would be impossible to check NC abuse b) 1AR is insufficient to win multiple layers and competing interpretations on spikes and shells since the 2n can dump on reasonability. And, reject arguments about spikes because they mutually indict each other, but prefer mine because you had time to comply. AFF fairness issues come prior to NC arguments a) The 1ar can’t engage on multiple layers if there is a skew since the speech is already time-crunched b) Sets up an invincible 2n since there are a million of unfair things you can collapse to win every round.**

**2. No new 2NR theory, paradigm issues, or weighing – A) It allows the 1nc to spend all it’s time reading pure offense and then collapse the debate to one shell and dump 6 minutes of new weighing that is impossible for the 2ar to wade through in 3 minutes B) It’s irreciprocal cause they would get 13 minutes to develop theory arguments without being restrained by the previous speech whereas judges would never vote on 2ar theory C) It’s a violation of the rules of debate since my framing issues were in the 1ac. 2ar weighing is legit – 2nr can sandbag on one arg**

**3. All K’s must defend a concrete policy alternative, Policy alts are better for your kritik, it allows us the ability to engage in productive discussions rather than endless critic of each other’s reps without solutions. Further, only evaluate topical K links because they force a focus on material change instead of abstraction. All K Links must quote explicit lines in the because they are an infinite amount of things the AC can implicitly justify reciprocally exploding neg ground. And you must check all K links in CX a) Regress – infinite number of indirect things the aff can link to, which means you’d always have something to read b) Critical education -we learn absolutely nothing if the k ends up not linking which controls the internal link to the ROB.**

**4. To defend a counter-advocacy that isn’t the squo the neg must prove that if we don’t do the aff, we’ll do their advocacy. For example, if Professor Procrastinate is asked to write a review that he’s best qualified to write, but knows that if he says “yes” he’ll never actually complete the review, he ought to say no since this is better than the actual alternative.**