**Framework**

**I value Morality. The meta-ethics is non-naturalism.**

**1. The Naturalistic Fallacy: It is impossible to reduce goodness to an observable property, since the two are fundamentally separate. For example, if we believe an action that produces pleasure is good, it does not logically follow that pleasure and goodness are the same property, since the fact they describe the same thing does not make them the same thing.**

**2. The Open Question argument: Suppose goodness was synonymous with a observable property like “X”. It is impossible to answer to question “is X good” since either A) X is the exact same thing as good, in which case our answer is the meaningless tautology “good is good” or B) X is not the same as good in which case non-naturalism is true.**

**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**](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] Inescapability – Every agent intrinsically values practical reason when they go about setting and pursuing an end under a moral theory, as it presupposes that the end they are committing is an intrinsic good. That necessitates practical reason as a necessary means to follow through on any given end.**

**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**

**3. Every agent is equally morally relevant, which requires equal treatment and equal standards for ethics.**

**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**](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.**

**Prefer –**

**1. Motivation – The categorical imperative is intrinsically motivational since it respects the nature of agency, which is the mechanism by which we can set and pursue any end – absent the motivation to pursue ends you would no longer be an agent, which means to be an agent necessitates being motivated to act.**

**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. Util is evolutionarily disadvantageous which means either A) it will get selected out for in evolution which means extinction is nonunique if it’s the only framework that can prevent it or B) it won’t get selected out in which case the population will fail to continue to reproduce which causes extinction**

Jim **Everett**, David Pizarro, M Crockett, 20**16**, APA, “Inference of Trustworthiness From Intuitive Moral Judgments”, [https://www.apa.org/pubs/journals/features/xge-xge0000165.pdf] mc

One approach to explaining why moral intuitions often align with **deontology comes from** mutualistic partner choice models of **the evolution of morality**. These models posit a cooperation market such that **agents** who can be relied upon to act in a mutually beneficial way **are more likely to be chosen as cooperation partners, thus increasing their own fitness** (Alexander, 1987; Baumard, André, & Sperber, 2013; Krebs, 2008; Noë & Hammerstein, 1994; Trivers, 1971). People tend to select the most cooperative individuals as partners, and those who contribute less than others are gradually left out of cooperative exchanges (e.g., Barclay, 2004, 2006; Rockenbach & Milinski, 2011). To the extent that individuals who make certain types of moral judgments are favored in a cooperative market because these judgments signal a commitment to cooperation, so, too, will these judgments come to be favored as defaults. In other words, deontological moral intuitions may represent an evolutionarily prescribed prior that was selected for through partner choice mechanisms. Why might deontologists be preferred as social partners? Two features of **deontological intuitions seem important, given their relevance for social exchange: the prohibition of certain acts or behaviors and the expression of socially valued emotional responses. First, deontologists’ prohibition of certain acts or behaviors may serve as a relevant cue for infer**ring **trustworthiness, because** the extent to which someone **claims to follow rule** or action**-based judgments** may be **associate**d **with the reliability of their moral behavior.** One piece of preliminary evidence for this comes from a study showing that agents willing to punish third parties who violate fairness principles are trusted more, and actually are more trustworthy (Jordan, Hoffman, Bloom, & Rand, 2016). Moreover, the typical deontological reason for why specific actions are wrong is that they violate duties to respect persons and honor social obligations—features that are crucial when selecting a social partner. An individual who claims that stealing is always morally wrong and believes themselves morally obligated to act in accordance with this duty seems much less likely to steal from me than an individual who believes that the stealing is sometimes morally acceptable depending on the consequences. **Actors who express characteristically deontological judgments may therefore be preferred to those expressing consequentialist judgments because these judgments may be more reliable indicat**ors **of stable cooperative behavior.** Consistent with this, recent research has shown that, compared with people who make consequentialist arguments, people who make deontological arguments are perceived by others as less self-interested and as expressing more moral views (Kreps & Monin, 2014). And recent theoretical work has demonstrated that “cooperating without looking”—that is, without considering the costs and benefits of cooperation—is a subgame perfect equilibrium (Hoffman, Yoeli, & Nowak, 2015). Therefore, expressing characteristically deontological judgments could constitute a behavior that enhances individual fitness in a cooperation market because these judgments are seen as reliable indicators of a specific valued behavior—cooperation. Second, deontological judgments often align more strongly with socially valued emotional responses, such as empathy and harm aversion, than do consequentialist judgments. As some have argued, making consequentialist judgments generally involves the suppression of prepotent (deontological-leaning) emotional responses in order to reach a more calculated analysis of the consequences to be derived from various actions (Greene, 2014). Research shows that characteristically deontological judgments are positively associated with harm aversion and negatively associated with antisocial personality traits (Bartels & Pizarro, 2011; Cushman, Gray, Gaffey, & Mendes, 2012; Kahane, Everett, Earp, Farias, & Savulescu, 2015). People who are more likely to endorse the sacrifice of one person to save many others also appear to be those people who are less averse to harming others in everyday contexts in which there is no obvious greater good (Kahane et al., 2015). If prospective partners in the cooperation market intuit this, they may prefer deontologists. **In other words, expressing** a **deontological judgment may communicate that a person has a set of socially valued emotional responses (i.e., an aversion to directly harming others) that make them an attractive social partner.** Consistent with this, **recent studies** have **show**n that **individuals who made deontological decisions in moral dilemmas are rated as being more empathic and having a superior moral character compared with those who make consequentialist decisions (Uhlmann, Zhu, & Tannenbaum, 2013).** Overview

**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.**

**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**

**Underview**

**1. 1AR theory is legitimate since the negative could do literally anything without the ability to call out the abuse. Drop the debater because four minutes isn’t enough to read a shell and still have time to cover substance sufficiently. No RVI because the 2nr would get six minutes to collapse to turns on a shell I only spent 30 seconds on. Aff theory first – A) Proportionality – The 1ar has to dedicate a significantly larger portion of it’s time reading theory and the 2n can spend much longer answering it B) Size of impact – neg abuse is always structurally worse since the 1ar only has 4 minutes to compensate whereas the NC has 13 to adapt.**