## Shell

#### Interpretation – If the affirmative read both a role of the ballot and a normative ethical framework, the negative must concede one of them.

#### It’s preemptive – you violate by contesting both

#### Prefer –

#### [1] Strat skew – a) It’s impossible for the 1AR to win both layers of framing and offense when you can frame me out and read a bunch of turns to the aff making the round impossible in 4min b) Neg reactivity advantage means you can craft your arguments to moot all framing in the aff

## Shell

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

#### **A violation would be reading both or contesting one in the 1n.**

#### **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. 1ar is too short to because 6 min 2n can frontline 4 mins easily.**

**ROB**

**The role of the ballot is to compare the desirability of the world of the affirmative and the world of the negative.**

**1. Topic education – Infinite number of NIBs and permissibility arguments under truth testing allows debaters to recycle arguments which moots topic education.**

**2. Reciprocity – Truth testing imposes unfair burdens on debaters since it requires debaters to prove statements definitively true or false, there are an infinite number of ways to prove something false and only one way to prove it true.**

**Framing**

#### The meta-ethic is consistency with transcendental form of subjects.

#### Moral Realism is true – there is an ethical truth that exists metaphysically: a) otherwise we could not make moral claims since we would merely claim disagreement rather than an absolute wrong, justifying any ethical statement b) regressive moral debates always terminate in an endpoint of agreement, we just compare different values in an attempt to find the ultimate one.

**And, that’s only accessible through procedural transcendental idealism – a) Is/ought gap – appeals to the empirical world merely explain how the world is rather than what it ought to be b) Motivation – empirical circumstances change based one each individual, only transcendent moral truths can motivate all agents absent those features. Jindal 99,** Jindal, Bobby. Louisiana Law Review, 1999. Web. <http://digitalcommons.law.lsu.edu/cgi/viewcontent.cgi?article=5780&context=lalrev>.//Scopa Modem political philosophers ranging from Robert Nozick to John Rawls have attempted to discern the principles of justice that should guide societal arrangements. This project is of vital importance since it informs society of its obligations to its weakest and most vulnerable members. Yet, the question of **why one should be just is** an **intelligible** one to ask and deserves some response. This paper argues that the political-legal **obligation to be just is derivative from** man's more general duty to be moral, a commitment grounded in intuitions which are themselves based on **transcendental values**, i.e., values that exist apart from a particular society. Those **political theories** that lack a transcendental notion of morality **lack binding force; the theorist who persuades without asserting truth is helpless** to convince or judge those committed to different principles. Modem liberalism, with its explicit commitment to neutrality, has nothing to say to individuals who do not share its values; similarly, communitarianism, with its cultural relativism, cannot critique an unjust society from the outside. Many liberals and communitarians underpin principles of justice, which require an individual to sacrifice his interests to secure the welfare of others, with that justification available to convince one that his preference for vanilla ice cream is mistaken; yet, justice, unlike ice cream, is not merely a matter of taste. **Principles of justice not based on objective moral principles are arbitrary at best and prejudicial at worst, without binding** authority or persuasive **moral force**. Though Rawls claims the "conception of justice is a practical social task rather than an epistemological or metaphysical problem,"1 **there must be some a priori, non-subjective commitment** to justice, as well as positive laws, **that compels individuals to sacrifice their self-interest**. Transcendental morality alone provides a substantial answer to those-anarchists, narcissists, libertarians, individualists, racists, isolationists, and others-who question the obligation to serve the common good, i.e., sacrifice one's interests for others. Merely discerning the claims of justice is not enough; these claims must be legitimized. **The gap** between "is" and "ought" **reflects the distance between** factual claims and moral ones, between truth and motivation, between **description and obligation.**

**That transcendental truth is the forms – they are the essence of the world that transcend space and time. The material world inherently lacks a capability to manifest the form and cannot generate true reality, only the forms themselves understood by reason allow for true moral and epistemic knowledge. Heyüman 15,** <http://ftp.oxfordphilsoc.org/Documents/StudentPrize/2015_H1b.pdf> //scopa

**Forms** can be thought of **as abstract entities** or qualities that **are the essence of sensible things**. Take, **for example, an apple: Roundness, color and weight of the apple are all the properties that make up that apple, each of which is a separate form in itself**. According to Plato, two apples are “round” because they both partake in the form of “roundness”. This “partaking” in any form is what makes things share similar attributes. **All material objects owe their existence to these forms; whereas each form exists by itself, independently of the object that exemplifies the particular form**. In Phaedo, which is widely agreed to be the first dialogue Plato introduced the forms, forms are “marked as auto kath auto beings, beings that are what they are in virtue of themselves1 .” **Forms are transcendent to our material world in that they exist beyond space and time, whereas material objects occupy a specific place at a specific time**. Atemporal and aspatial features of forms have very important implications. First, this explains why **the form of F does not change**, and remains stable beyond a spatio-temporal world while particulars are subject to continuous change. Second, **since F does not exist in space, it can be instantiated in many particulars at once or need not even be instantiated to exist**. The forms are also pure. The roundness of an apple is one of its properties and roundness is only “roundness” in its pure and perfect form. Unlike forms, **material objects are impure, imperfect**, and are complex combinations of several forms. **Being is the ontological relation that ties the form of F to its essence, and each form of F is of one essence** (monoeides). It follows from these principles that each form self-predicates; each form of F is itself F. The form of beauty is itself beautiful, and Helen would not be beautiful if the form of Beauty were not beautiful itself. **The forms are real, sublime entities that belong to an intelligible realm that can only be grasped by reason. They are not subject to change; are stable and enduring, while particulars/material objects belong to this material world of change**, becoming and perishing in a Heraclitean flux. The Idea Behind Platonic Forms As can be seen from his early and middle period dialogues, Plato both explored ethical concepts such as “virtue” and “justice” just like his mentor, Socrates, and he also elaborated upon the essence of the 1 Silverman, A., Fall 2014 Edition, ‘Plato’s Middle Period Metaphysics and Epistemology’, Stanford Encyclopedia of Philosophy, p. 10 1 Hilary 2015 Joint 1st Prize: Sinem Hümeydan universe by questioning what there really is in this world of appearances. Plato’s theory of forms, then, can be thought to explicate basically two vital concerns of philosophical inquiry. First, the theory explores the question of how everything seems both to be changing and permanent at the same time. We know that the physical world we perceive through our senses is exposed to continuous change by “becoming” and “ceasing to be2 ”. Nonetheless, there is also permanence beyond what seems to be changing and that can only be grasped by reasoning. Second, the theory of forms is an attempt to find the answer to the question of how people can live a happy and fulfilling life in a world that is ultimately defined with beginnings and endings, and is exposed to change in every possible respect. In the Republic, Plato poses questions about moral concepts in an effort to demonstrate that the life committed to knowledge and virtue will result in happiness and self-fulfillment. To achieve happiness, one should render himself immune to changes in the material world and strive to gain the knowledge of the eternal, immutable forms that reside in the intelligible realm. Indeed, Plato splits the existence into two realms: the visible realm and the transcendent realm (intelligible realm) of forms. **The visible realm is the physical world that is perceived through senses, and is susceptible to “becoming” and “ceasing to be”. On the contrary, the intelligible realm represents the ultimate reality, is enduring, and is accessible only via reasoning** or intellect. Furthermore, Plato believes that this visible world is an imperfect model of the transcendent realm of forms. As is depicted in his famous Allegory of Cave, he thinks that everything perceptible through senses is like the shadows on the Cave Wall, or merely imperfect representations of the reality. Since **what we perceive through our deceptive senses in this world of appearence are merely shadows of reality, one cannot have any genuine knowledge of these things, but can only have beliefs/opinions** about these objects. In other words, Plato thinks that one can only have “knowledge of forms and of Forms one can only have knowledge3 .” Because forms are the only objects of knowledge, individuals should endeavour to reach the intelligible realm and endow themselves with the knowledge of forms in order to achieve a happy and fulfilling life. Plato employs the Sun metaphor, which represents the form of “Good” to compare intelligible and visible realms. As the Sun provides the light to see the physical world, the “Good” provides the power to “know”, and is not only the ultimate cause of knowledge, but it is also the object of truth and knowledge. Being virtuous or pursuing good relies on having the knowledge of the Good, and because forms are the only objects of knowledge, one can only live a fulfilling life and pursue good if one knows the Form of Good. Plato’s Arguments for the Forms and Concluding Remarks According to Plato, reality is very much associated with objectivity. His argument from objectivity asserts that the more objective concepts are of higher reality, and that because **what we perceive via our senses is usually deceitful, the objects of experience cannot be real entities**. Besides, **it is possible to form different subjective views of the same objects; depending on the perceptual or mental states of the observer**. However, forms represent a higher objectivity, and thereby reality through a dialectic process, which is illustrated in the hierarchical system of forms and physical objects, “good” being first among others. Plato appeals to mathematical examples to further his arguments and states that the most definite knowledge is the knowledge of mathematics, and that this knowledge cannot be gained via senses or experience, but only by reasoning. For example, we know for certain that the sum of the interior angles of a triangle is 180 degrees, yet we also acknowledge that no such perfect triangle exists in the world. Then, he concludes, if these abstract entities do not reside in this world, there must a different realm of such perfect forms outside this world of experience that is ultimately real.

**Prefer –**

**1. Infinite regress – any question of empirical morality begs the question of a higher understanding which is the form of that object, otherwise we could always ask how to measure the good infinitely. At worst form is always a prior question since it’s what we refer a good material object to when we attempt to articulate its goodness. 2**

**2. Constitutivism – Transcendental forms are constitutive of every object and idea since there is necessarily an essence to their existence that extends beyond their physical manifestation, and that each tries to strive for by necessity since the form is what guides the material.**

3. **Ethical theories are insular. Joyce 02,** Joyce, Richard. Myth of Morality. Port Chester, NY, USA: Cambridge University Press, 2002. p 45-47. //Scopa This distinction between what is accepted from within an institution, and “stepping out” of that institution and appraising it from an exterior perspective, is close to Carnap’s distinction between internal and external questions. 15 Certain **“linguistic frameworks”** (as Carnap calls them) **bring** with them **new** terms and **ways of talking**: accepting the language of “things” licenses making assertions like “The shirt is in the cupboard”; **accepting mathematics allows one to say “There is a prime number greater than one hundred”;** accepting the language of propositions permits saying “Chicago is large is a true proposition,” etc. Internal to the framework in question, confirming or disconfirming the truth of these propositions is a trivial matter. But traditionally **philosophers have interest**ed themselves **in** the external **question** – the issue of the adequacy of **the framework itself:** “Do objects exist?”, “Does the world exist?”, “**Are there numbers?**”, “Are the propositions?”, etc. Carnap’s argument is that **the** external **question,** as it has been typically construed, **does not make sense. From a perspective that accepts mathematics, the answer** to the question “Do numbers exist?” **is just** trivially **“Yes.”** From a perspective which has not accepted mathematics, Carnap thinks, the only sensible way of construing the question is not as a theoretical question, but as a practical one: “Shall I accept the framework of mathematics?”, and this pragmatic question is to be answered by consideration of the efficiency, the fruitfulness, the usefulness,etc., of the adoption. But the (traditional) **philosopher’s questions** – “But is mathematics true?”, “Are there really numbers?” – **are pseudo-questions.** By turning traditional philosophical questions into practical questions of the form “Shall I adopt...?”, Carnap is offering a noncognitive analysis of metaphysics. Since I am claiming that we can critically inspect morality from an external perspective – that we can ask whether there are any non-institutional reasons accompanying moral injunctions – and that such questioning would not amount to a “Shall we adopt...?” query, Carnap’s position represents a threat. What arguments does Carnap offer to his conclusion? He starts with the example of the “thing language,” which involves reference to objects that exist in time and space. **To** step out of the thing language and **ask “But does the world exist?” is a mistake,** Carnap thinks, **because the very notion of “existence”** is a term which belongs to the thing language, and **can be understood only within that framework**, “hence this concept cannot be meaningfully applied to the system itself.” 16 Moving on to the external question “Do numbers exist?” Carnap cannot use the same argument – he cannot say that “existence” is internal to the number language and thus cannot be applied to the system as a whole. Instead he says that philosophers who ask the question do not mean material existence, but have no clear understanding of what other kind of existence might be involved, thus such questions have no cognitive content. It appears that this is the form of argument which he is willing to generalize to all further cases: **persons who dispute** whether propositions exist, **whether properties exist,** etc., do not know what they are arguing over, thus they **are not arguing over the truth of a proposition, but over the practical value of their** respective **positions.** Carnap adds that this is so because there is nothing that both parties would possibly count as evidence that would sway the debate one way or the other.

**Next, ethics are split between the deontic and the aretaic. Deontic theories guide ethics by looking at the actions of moral actors, whereas aretaic theories guide ethics by looking at the character of moral actors themselves. By developing good moral character, good actions will naturally follow.**

**Prefer the aretaic:**

#### [1] Deontic theories collapse – If agents were conditioned properly, they would independently take the right actions, which proves there cannot be a net benefit to deontic theories

#### [2] Motivation – A. The aretaic improves citizens’ moral standing. People can always opt-out of a deontic theory but by focusing on the aretaic we improve the moral character of citizens, causing them to act ethically out of their own volition.

#### Next, the only ethics consistent with the aretaic is a virtue paradigm: This does not presuppose descriptive normative claims; we rather focus on developing agents to make them virtuous. Reader.

[Reader 2k (Reader, Soren. Late Professor of Philosophy, Durham University “New Directions in Ethics: Naturalism, Reasons, and Virtue.” Ethical Theory and Moral Practice, Vol. 3, No. 4, Dec. 2000.)] SHS ZS  
**Virtue is a** free **disposition to act in certain ways under certain conditions**. Virtue ethics claims that **what is to count as a good action** or what is a good outcome **is** conceptually **dependent on claims about** **the virtue of an agent**. How is this dependence supposed to work? Where those after an explanatory account seek a conceptual connection with something like a normative 'in itself,’ **virtue ethicists** instead **explore the** concrete **dependence of moral activity on the possibility of learning from** already **virtuous agents**. They hold that **the key to moral rationality is** found **in moral education**. Ethics begins with the apprentice moral agent: the child, or the foreigner, or the damaged person in rehabilitation are all examples. These **beginner-agents learn from** the experienced, **wise moral agent by copying**, by mimicking in **their actions** the actions of the virtuous agent. This mimicking, or 'going on in the same way', does not presuppose that the learner agent acquires any representations of how the world is (i.e., beliefs), nor that they acquire the ability to report on or provide justifications for what they do. **Virtue is learned by cottoning on to virtuous ways of doing things**, going on to do the same, **then going on to do the same in new ways**, once they have mastered the skill.16 The way virtue and character is supposed to be basic here is simply displayed in the analogy: **there is and can be nothing 'behind' the expertise of** the phronimos **which can explain or justify it** (any more than there is anything 'behind' the expertise of the doctor or the navigator, to use Aristotle's examples at NE 1104b7-l 1). Of course, plenty more can be said about it, and shortcuts can be found to aid the learn ing of those who have already mastered other skills (so competent rule-fol lowers can learn from being given rules, just as competent grammarians can learn a new language from the grammar). But we should not confuse what it is possible to say about the skill of being moral, with what constitutes it.

**Thus, the standard is promoting virtue.**

#### 1. Motivation – to follow a moral theory is to commit yourself to an attempting to become a better person through fostering virtue

#### 2. Performativity – the practice of engaging in philosophy is the practice of fostering virtue through teachings of morality, proves the construct of LD at seeking the proper way to act and philosophy in general concede its authority

**Impact Calc: 1) The framing evaluates offense based on whether or not an action allows for the procedural cultivation of virtues— takes out calc indicts since we don’t need to know what a virtue is, we just need to have humans making decisions. 2. Reject calc indicts – a) just proves being virtuous is hard but moral practice is the point, so it just proves the aff is necessary b) actions aimed toward the good are virtuous resolved by intuitions. Anything else collapses to skepticism since we can’t trust our own judgements about morality.**

## Offense

**I defend that the member nations of the World Trade Organization ought to reduce intellectual property protections for medicines.**

**[1] IP rights structurally prevent all people from accessing the same intellectual virtues and violates the virtue of empathy 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

## 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. C) The 1ar can’t engage on multiple layers if there is a skew since the speech is already time-crunched D) 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.