# 1nc - Kant

**The meta-ethic to morality is to follow practical reason:**

**[1] Action Theory- Only evaluating an action through practical reason unifies the parts of an action as a whole through intent and explains why we would take that action. For example, the actions towards eating my lunch such as chewing and biting can only be unified through the intention of eating my food. Consequentialism fails because it can’t unify the action through intent- I can’t morally decide if killing is bad because each individual step would have its own consequence, which theoretically makes each action infinitely divisible into smaller actions and impossible to resolve in moral terms.**

**[2] Is-Ought Gap- Empiricism fails because it can only generate what is through the descriptive perception of events, but fails to generate what out to be because it is impossible to derive a premise from description alone. For example, I can experience that a door is open, but it fails to generate and answer to whether the door ought to be open or closed. Only a priori premises solve because they generate obligations rather than descriptions.**

**[3] Inescapability- Reason is inescapable, questioning why it is or asking for a reason concedes its authority to agency itself. It’s a side constraint on ethics- all arguments must appeal to reason and the ability to act in the first place, otherwise they would be unwarranted or baseless.**

**[4] Empirical Uncertainty- Multiple factors that could make empiricism objectively false in generating standards of morality- simulation, dreaming, illusions make it impossible to verify that knowledge derived from experiences is objectively true. Only rationality solves because it develops moral knowledge independent of human experience, creating objective morality.**

**[5] Bindingness- Only reason according to principles can explain personal motivation to take action- desires and internal motivation fail because I could just choose not to act on my desire.**

Reath [Andrews, Professor of Philosophy at UC Riverside. “Contemporary Kantian Ethics.” 2013. <http://philosophy.ucr.edu/wp-content/uploads/2013/07/Reath-Contemporary-Kantian-Ethics.pdf>] AA

Contemporary Kantians reject the Humean view of reasons and motivation because they believe that **moral principles are requirements of reason that apply to agents independently of desire**. They are committed to holding that **human beings can be moved to act by reason alone**. Kantians hold that **it is part of rational agency that one can be motivated to act by one’s application of rational principles and one’s judgments about what one has reason to do, without** the **intervention of any desire or further source of motivation**. In the above example,the fact that I need to begin saving money in order to afford my trip is a reason to begin saving, and the judgment that I ought to begin saving money now by itself can motivate me to do so. Likewise **the judgment that I ought to take steps now to ensure my well-being later in life can motivate me to do so, without any further felt desire.** (Note that the claim is that one can be motivated by one’s judgment of what one has reason to do – that is not to say that one always will be motivated by that judgment.) Since the reasons in these two cases ultimately stem from some desire (e.g., some future desire), the full significance of the Kantian view of motivation comes to light in moral cases. **Here Kantians hold that moral requirements apply to us simply as rational beings independently of our desires, and that the judgment that we ought to perform** (or refrain from) **some action can motivate us to do so, without the stimulus of any further desire.** So for example, **judging that I ought to refrain from taking unfair advantage of a competitor** or that I ought to help someone in need **can motivate me to do so**. The Kantian view here is that the **application of principles of reason** (or the judgment about reasons) **produces the motivation to comply with the principle and does not simply redirect** or elicit **a prior motivational state that exists independently of any reasoning.**

**And, rationality requires that maxims must be universalizable.**

**[1] Moral subjectivity is rationally incoherent- For example, 2+2=4 must be the same for you and me, otherwise rationalism collapses because two realities would not be true at the same time, making it impossible to reason.**

**[2] Moral truths are objective and universally applicable- all agents would be able to reason and action is good because morality is a priori and separate from their own experience. Any other interpretation fails- it fails to bind actors to itself which precludes the point of morality in the first place.**

**[3] Non-universalizable actions justify violating your own ends and are contradictory- unilaterally willing actions such as violating freedom would imply that someone could violate your own freedom, which is a prior question to being able to do the action in the first place.**

**Thus, the standard is respecting a system of inner and outer freedom.**

**Violating freedom is not universalizable- if you violated freedom of someone else, it would be contradictory because it entails their right to violate your own, which would precede you from doing the action in the first place.**

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**In other words, outer freedom lies in the independence of one’s capacity to pursue one’s ends from hindrance to its exercise stemming from the power of choice of another. That one’s capacity to pursue one’s ends can be subject to such hindrance from another is, of course, clear. Where diverse persons share a practical world, where in other words they are present together in the world in such a way that it’s possible for any one of them both to know what action another of them intends and also to act in ways that prevent or hinder that action (or, as we might also say, where mutual recognition and mutual influence are possible), the outer freedom of one such person is limited to the extent that another chooses to prevent or to hinder the former’s action and succeeds in the attempt. Where a person’s actions constitute such hindrances they can accordingly be described—to borrow a phrase from Kant—as “assaults on the freedom . . . of others” (G 430).19 Now since the material ends a person pursues in acting are all united in the fundamental end of happiness, generically conceived, outer freedom amounts to independence from hindrances by others to one’s pursuit of that basic end. Thus, any assault on this freedom, to the extent that it’s successful, is a limitation of a person’s capacity to realize this end. And since this capacity is just what self-sufficiency consists in, this freedom is nothing other than the independence from other persons requisite for self-sufficiency, and it can therefore be regarded, in a negative sense, as self-sufficiency itself in relation to others. according to the maxim in question. Thus in the present case the application of the formula involves considering whether it’s possible for every person to deem good every person’s acting to limit others’ freedom, where practicable, with a view to augmenting their own freedom. Since here all persons are on the one hand deeming good both the limitation of others’ freedom and the extension of their own freedom, while on the other hand, insofar as they agree with the similar judgments of others, also deeming good the limitation of their own freedom and the extension of others’ freedom, they are all deeming good both the extension and the limitation of both their own and others’ freedom. These judgments are inconsistent insofar as the extension of a person’s outer freedom is incompatible with the limitation of that same freedom.**

**Prefer additionally:**

**[1] Performativity- In order to debate, it is a prior question that we are free to pursue ends from others and reason to warrant our arguments. Without reason or freedom, we functionally could not debate or discuss ethics in the first place, which is a prerequisite.**

**[2] Constituveness – Being free to be able to identify yourself as the cause of your actions is constituve to agency- we must be able to set our own ends.**

### Korsgaard- “Self-Constitution in the Ethics of Plato and Kant” by Christine M. Korsgaard

**“Now I’m going to argue that that sort of willing is impossible. The first step is this: to conceive of yourself as the cause of your actions is to identify with the principle of choice on which you act. A rational will is a self-conscious causality, and a self-conscious causality is aware of itself as a cause. To be aware of yourself as a cause is to identify yourself with something in the scenario that gives rise to the action, and this must be the principle of choice. For instance, suppose you experience a conflict of desire: you have a desire to do both A and B, and they are incompatible. You have some principle that favors A over B, so you exercise this principle, and you choose to do A.** In this **kind of** case**, you do not regard yourself as a mere passive spectator to the battle between A and B. You regard the choice as yours, as the product of your own activity, because you regard the principle of choice as expressive, or representative, of yourself. You must do so, for the only alternative to identifying with the principle of choice is regarding the principle of choice as some third thing in you, another force on a par with the incentives to do A and to do B, which happened to throw in its weight in favor of A, in a battle at which you were, after all, a mere passive spectator. But then you are not the cause of the action. Self-conscious or rational agency, then, requires identification with the principle of choice on which you act.” (123)**

**[3] Actor Spec- The point of the state is to be Kantian- the state should be an impartial enforcer to prevent unilateral willing and violations of freedom.**

#### Ripstein 09 Ripstein, Force and Freedom, 2009, PDF

Kant’s point about disputes is not just a reiteration of Locke’s familiar claim that people often disagree about the application of principles to particular situations, especially when their interests are at stake. Unilateral judgment is a problem because of the two dimensions of the innate right of humanity. The innate right to freedom demands that people be able to acquire things as their means without the explicit leave of others. Rightful honor requires people to stand up for their rights, and so that no person defer to any other private person’s judgment in cases of dispute about what either is permitted to do. If you think that you have performed an act establishing a right, you are entitled to stand by your claim in the face of all who contest it, but those who contest it are no less entitled to stand by their claims. Rightful honor requires that each party accept no standard other than “what seems right and good” to him.”24 The only reason to defer is because you can’t win. Might makes right, regardless of how "good and law-abiding" you or the person who disputes your claim might be. The solution to disputes about rights is to make the omnilateral will institutional. Disputes can be resolved in a way that is consistent with rightful honor if the parties to it are subject to the authority of an impartial judge, and an enforcer who can carry out the decision. The state is a generalized version of this structure. It is a common authority, charged with making, applying, and enforcing law. It is legitimate because it makes it possible for people to resolve disputes about rights in a way that is consistent with the rightful honour of all. Legitimacy flows from what the state does, and so does not require an explicit act of instituting it.

**Impact Calculus: My framework only cares about intentions, and consequences are irrelevant.**

**[1] There is an Act Omission Distinction: [1] Logicality- we are only responsible for actions that we intend to happen- otherwise we responsible for an infinite number of actions [2] Resolvability- Only way to resolve issues between two immoral decisions- we shouldn’t be held culpable for choosing inaction over taking immoral action.**

**Calc Indicts:**

**[1] Consequences are impossible to calculate and are infinitely regressive- each consequence would have it’s own consequence, leading to an infinite amount of consequences, there is not brightline of when the consequences end. Even if they prove that consequences are intrinsically valuable, it indicts insofar that it can’t guide action.**

**[2] Aggregation fails- comparing suffering is unethical and it is impossible to compare it- I can’t compare the difference between 1 migraines or 10 headaches.**

**Ideal Framing First:**

1. **Non-ideal theory relies on ideal theory to conceive of itself- we imagine the ideal form of the world when we imagine what’s moral.**
2. **Non-Ideal theory is a constantly changing yardstick- we couldn’t conceive morality because the standard of morality wouldn’t be consistent with the SQ.**

## Offense

#### Now negate – drug patents are based upon fundamental property rights that the state must not infringe – and reducing IP protections allows the state to intervene on rights.

**Gewertz 04** [Gewertz, Nevin. "Intellectual Property And The Pharmaceutical Industry: A Moral Crossroads Between Health And Property." Journal of Business Ethics 55:3. December, 2004. Web. August 18, 2021.]

According to Nozick, the primary purpose of the state is to protect basic rights. One of these explicit rights is the right to intellectual property. The concept of intellectual property is not practical unless it is upheld by the state. A simple patent by itself holds no value. The value and rights granted within a patent are meaningful to the extent they are enforced. Simplistically, the state is formed through an "invisible hands" process by which all individuals agree to a "monopoly over all use of force" (Nozick, 1974, p. 26). Each individual, regardless of his or her position within society, has agreed to accept this "monopoly over force" in order to protect his or her basic rights, such as property. Nozick holds that any infringement upon the basic rights of the individual by the state, such as redistribution of wealth or excessive taxation, is unjust. Such redistribution fundamentally violates the basic right of the individual to the products of his or her own labor. Nozick asserts that: A minimal state, limited to the narrow functions of protection against force, theft, fraud, enforcement of contract ... is justified. The state may not use its coercive apparatus for the purpose of getting some citizens to aid others (Nozick, 1974, p. ix). The purpose of the state is to protect individuals' basic rights, of which property is considered one of several. Because intellectual property is a basic right, it would be unjust for the state to redistribute the profits GlaxoSmithKlein receives from AZT or AZT itself, even if to provide better medical treatment for more individuals. Instead, the state must ensure that the patent rights of the pharmaceutical company are upheld and not infringed upon by any possible substitute products. Current domestic and international policies demonstrate an increasing trend towards the strict protection of intellectual property. The ideas behind such policies parallel the theoretical work of Nozick. As discussed, according to Nozick, an individual is entitled to the market value of his or her "intellectual objects" over a given, non-infinite, time period. This market value, no matter how potentially extraneous, is not only acquired through just means but also distributed through just transfer. In turn, within the minimalist state of Nozick's theory, no justification exists for state intervention and re-distribution of those goods or profits received by virtue of patent licensing. The states' obligation is to protect the intellectual property interests of an individual, as well as to protect the individual himself.