# SO21 Korsgaard AC

## Fwk – Syllogisms

### Syllogism

#### I affirm as a general moral principle. The meta-ethic is non-naturalism, prefer

#### 1) External World Fallacy- Only internal knowledge can be trusted. Experience is corrupt – we could be dreaming or hallucinating.

#### 2) Constitutivism- Only a priori knowledge exists across all subjects, empirics vary.

#### 3) Is/ought gap- Empirics tell us what is, not what ought to be. Descriptions can’t prove ought statements; only internal knowledge can prove oughts.

#### 4) Bindingness- Inability to know others’ experience make empiricism unreliable for ethics. Outweighs because empiricism is escapable since people can say they don’t experience the same.

#### Next, we are practical reasoners or practical reason is necessary,

#### 1) Inescapable- reason is the only inescapable authority, questioning it concedes its authority since you use reason – anything else is nonbinding.

#### 2) A priori- Only reason can interpret internal knowledge as it relies on abstracts instead of empirics

**3) Transcendental idealism – we see our representations of reality – only reason makes reality coherent. If we remove the subject, constitution would disappear as objects exist only in us and are unknown abstracted from sensibility.**

#### That forces universal maxims

#### 1) Logic- A priori truths are universal, 2 + 2 is 4 for all reasoners.

#### 2) Meaning- Absent universal ethics, morality is arbitrary and can’t guide action. Anything else means ethics don’t function, err aff.

#### 3) Non-contradiction: there is no world in which p and ~p are both true. Acting recognizes the validity of others to take the action, which makes universal maxims a logical side constraint to other frameworks.

#### 4) Equality Principle: Allowing agents to make ethical exceptions for themselves implies that they have more agency or worth than others despite all agents being equal a priori.

#### Thus, the standard is consistency with universal maxims

### Add Pref

#### Prefer my framework for several additional reasons:

#### [1] Consequences fail – a) we don’t know if an action is bad until after it happens, meaning obligations can’t be formed, b) every consequence causes another consequence – when do we evaluate “the consequence?” c) induction fails – we know induction works because it has in the past – that relies on induction and is therefore circular, d) assumes causation, which is an a priori concept, and e) if you’re responsible for things other than intention, ethics aren’t binding because there are infinite events over which you have no control.

#### [2] Universalization unites the abstract with the concrete—that’s key to challenging oppression.

Farr 02 Arnold Farr (prof of phil @ UKentucky, focusing on German idealism, philosophy of race, postmodernism, psychoanalysis, and liberation philosophy). “Can a Philosophy of Race Afford to Abandon the Kantian Categorical Imperative?” JOURNAL of SOCIAL PHILOSOPHY, Vol. 33 No. 1, Spring 2002, 17–32. [sci-hub.se/10.1111/1467-9833.00121](https://sci-hub.se/10.1111/1467-9833.00121)

Whereas most criticisms are aimed at the formulation of universal law and the formula of autonomy, our analysis here will focus on the formula of an end in itself and the formula of the kingdom of ends, since we have already addressed the problem of universality. The latter will be discussed ﬁrst. At issue here is what Kant means by “kingdom of ends.” Kant writes: “By ‘kingdom’ I understand a systematic union of different rational beings through common laws.”32 The above passage indicates that Kant recognizes different, perhaps different kinds, of rational beings; however, the problem for most critics of Kant lies in the assumption that Kant suggests that the “kingdom of ends” requires that we abstract from personal differences and content of private ends. The Kantian **conception of rational beings requires such an abstraction.** Some feminists and philosophers of race have found this abstract notion of rational beings problematic because they take it to mean that rationality is necessarily white, male, and European.33 Hence, the systematic union of rational beings can mean only the systematic union of white, European males. I ﬁnd this interpretation of Kant’s moral theory quite puzzling. Surely another interpretation is available. That is, the implication that in Kant’s philosophy, rationality can only apply to white, European males does not seem to be the only alternative. The problem seems to lie in the requirement of abstraction. There are two ways of looking at the abstraction requirement that I think are faithful to Kant’s text and that overcome the criticisms of this requirement. **First, the abstraction requirement may be best understood as a demand for intersubjectivity or recognition. Second, it may be understood as an attempt to avoid ethical egoism** in determining maxims for our actions. It is unfortunate that Kant never worked out a theory of intersubjectivity, as did his successors Fichte and Hegel. However, this is not to say that there is not in Kant’s philosophy a tacit theory of intersubjectivity or recognition. The **abstraction requirement simply demands that in the midst of our concrete differences we recognize ourselves in the other and the other in ourselves.** That is, we recognize in others the humanity that we have in common. Recognition of our common humanity is at the same time recognition of rationality in the other. We recognize in the other the capacity for selfdetermination and the capacity to legislate for a kingdom of ends. This brings us to the second interpretation of the abstraction requirement. **To avoid ethical egoism one must abstract from (think beyond) one’s own personal interest** and subjective maxims. That is, the categorical imperative requires that I recognize that I am a member of the realm of rational beings. Hence, I organize my maxims in consideration of other rational beings. Under such a principle other people cannot be treated merely as a means for my end but must be treated as ends in themselves. **The merit of** the categorical imperative for a philosophy of race is that it contravenes racist ideology **to the extent that racist ideology is based on the use of persons of a different race as a means to an end** rather than as ends in themselves. Embedded in the formulation of an end in itself and the formula of the kingdom of ends is the recognition of the common hope for humanity. That is, maxims ought to be chosen on the basis of an ideal, a hope for the amelioration of humanity. This ideal or ethical commonwealth (as Kant calls it in the Religion) is the kingdom of ends.34 Although the merits of Kant’s moral theory may be recognizable at this point, we are still in a bit of a bind. It still seems problematic that the moral theory of a racist is essentially an antiracist theory. Further, what shall we do with Henry Louis Gates’s suggestion that we use the Observations on the Feeling of the Beautiful and Sublime to deconstruct the Grounding? What I have tried to suggest is that instead of abandoning the categorical imperative we should attempt to deepen our understanding of it and its place in Kant’s critical philosophy. A deeper reading of the Grounding and Kant’s philosophy in general may produce the deconstruction35 suggested by Gates. However, a text is not necessarily deconstructed by reading it against another. Texts often deconstruct themselves if read properly. To be sure, the best way to understand a text is to read it in context. Hence, if the Grounding is read within the context of the critical philosophy, the tools for a deconstruction of the text are provided by its context and the tensions within the text. Gates is right to suggest that the Grounding must be deconstructed. However, this deconstruction requires much more than reading the Observations on the Feeling of the Beautiful and Sublime against the Grounding. It requires a complete engagement with the critical philosophy. Such an engagement discloses some of Kant’s very signiﬁcant claims about humanity and the practical role of reason. With this disclosure, deconstruction of the Grounding can begin. What deconstruction will reveal is not necessarily the inconsistency of Kant’s moral philosophy or the racist or sexist nature of the categorical imperative, but rather, it will disclose the disunity between Kant’s theory and his own feelings about blacks and women. Although the theory is consistent and emancipatory and should apply to all persons, Kant the man has his own personal and moral problems. Although Kant’s attitude toward people of African descent was deplorable, **it would be equally deplorable to reject the categorical imperative without ﬁrst exploring its emancipatory potential.**

#### [3] Prefer ideal theory: a) normative justification required because unjustified assumptions cause bad things, like oppression, b) collapses – saying an advocacy is better means saying it’s closer to an ideal, c) material circumstances affected by different accounts of violence, d) arguing non-ideal is better requires an ideal theory of what theories should be.

#### [4] Performativity – freedom is key to argumentation. Abiding by their ethical theory presupposes we own ourselves, making it incoherent to justify a standard without willing ours.

## Offense

### P1

#### Part 1 is the a priori.

#### IP is a priori, 3 warrants

#### 1. WIPO defines IP as

WIPO 20 NA, published 2020, World Intellectual Property Organization, “What is intellectual property?”, accessed 9/6/2021, <https://www.wipo.int/edocs/pubdocs/en/wipo_pub_450_2020.pdf>, pg 1, WIPO is the UN’s branch that directly oversees global issues on IP //DrPhillipsAD

Intellectual property (IP) refers to creations of the mind – everything from works of art to inventions, computer programs to trademarks and other commercial signs.

#### A posteriori concepts are only experienced, when I see a tree, I do not create a tree but instead experience an empirical representation of it. Only a priori concepts can be created by the mind as they are the only concepts that do not require empirical experience.

#### 2. Protections on medicine are expressed through patents, according to WIPO a patent refers to a protection over an invention

WIPO 20 NA, published 2020, World Intellectual Property Organization, “What is intellectual property?”, accessed 9/6/2021, <https://www.wipo.int/edocs/pubdocs/en/wipo_pub_450_2020.pdf>, WIPO is the UN’s branch that directly oversees global issues on IP //DrPhillipsAD

By patenting an invention, the patent owner gets exclusive rights over it, meaning that he or she can stop anyone from using making or selling the invention without permission. The patent lasts for a limited period of time, generally 20 years. In return, the patent owner has to disclose full details of the invention in the published patent documents. Once the period of protection has come to an end, the invention becomes off patent, meaning anyone is free to make, sell or use it.

#### Marriam Webster defines an invention as

Marriam Webster NA, ND, Marriam Webster Dictionary, “Invention”, accessed 9/7/2021, https://www.merriam-webster.com/dictionary/invention

Definition of invention 1a : something invented: such as (1): a device, contrivance, or process originated after study and experiment (2): a product of the imagination especially : a false conception b: a short keyboard composition featuring two- or three-part counterpoint 2: the act or process of inventing 3: productive imagination : INVENTIVENESS 4: DISCOVERY, FINDING

#### Processes and devices are defined by causational relationships; a device or process is because it causes other things. Causational relationships are a priori

Rohlf 20 Michael Rohlf, published July 28 2020, Stanford Encyclopedia of Philosophy, “Immanuel Kant”, accessed 9/7/2021, <https://plato.stanford.edu/entries/kant/> //DrPhillipsAD

How does Kant’s Copernican revolution in philosophy improve on the strategy of the Inaugural Dissertation for reconciling modern science with traditional morality and religion? First, it gives Kant a new and ingenious way of placing modern science on an a priori foundation. He is now in a position to argue that we can have a priori knowledge about the basic laws of modern science because those laws reflect the human mind’s contribution to structuring our experience. In other words, the sensible world necessarily conforms to certain fundamental laws – such as that every event has a cause – because the human mind constructs it according to those laws. Moreover, we can identify those laws by reflecting on the conditions of possible experience, which reveals that it would be impossible for us to experience a world in which, for example, any given event fails to have a cause. From this Kant concludes that metaphysics is indeed possible in the sense that we can have a priori knowledge that the entire sensible world – not just our actual experience, but any possible human experience – necessarily conforms to certain laws. Kant calls this immanent metaphysics or the metaphysics of experience, because it deals with the essential principles that are immanent to human experience.

#### 3. Medicine as a discovery is a priori

Rhodes 19 Rosamond Rhodes, professor of medical education at Mount Sinai University, "The ethical concept of medicine as a profession discovery or invention?," December 2019, Journal of Medical Ethics, accessed 24 August 2021, <https://jme.bmj.com/content/45/12/786.full/> ~ST~

The Ethical Concept of Medicine as a Profession as a Discovery

The history of Western philosophy offers us two pathways to address this question. The first is the quest for certainty,2 a quest fulfilled by using methods designed to discover concepts that are independent of human thought and judgement and thus intellectually and morally authoritative for everyone. Such concepts are timeless and therefore transcultural, transreligious and transnational. Examples include Plato’s Forms,3 PF Stawson’s (1919–2006) ‘our conceptual structure’,4 Edmund Pellegrino’s (1920–2003) ‘fact of illness’ and the ‘act of profession’ in response to the vulnerability that illness creates,5 and common morality.6 Thought experiments, using what Rhodes characterises as ‘the hypethetico-deductive method’,1 aim to discover timeless concepts.

Discovering timeless concepts must address their ontological and epistemological status. Plato’s ontology of Forms,2 for example, is not clear, as evidenced in the centuries-long disputes among scholars of ancient Greek philosophy. Discovering timeless concepts assumes that we have the intellectual capacity to be free of bias, which is at least dubious given the findings of behavioural psychology.

#### Next, a universal perception of ethics requires a priori concepts as necessarily universal. That’s justified in our framework because for a concept to be a priori it must be inherent to the features that make it up which would be consistent across all experience. Marriam Webster defines property as

Marriam Webster NA, ND, Marriam Webster Dictionary, “Property”, accessed 9/7/2021, https://www.merriam-webster.com/dictionary/property

Definition of property 1a: a quality or trait belonging and especially peculiar to an individual or thing b: an effect that an object has on another object or on the senses c: VIRTUE sense 2 d: an attribute common to all members of a class 2a: something owned or possessed specifically : a piece of real estate b: the exclusive right to possess, enjoy, and dispose of a thing : OWNERSHIP c: something to which a person or business has a legal title d: one (such as a performer) who is under contract and whose work is especially valuable e: a book or script purchased for publication or production 3: an article or object used in a play or motion picture except painted scenery and costumes

#### However, a priori concepts cannot be owned, thus IP protections are ethically and epistemologically incoherent, 2 warrants

#### 1. A priori knowledge is necessarily universal, that means it cannot belong to any one person because a priori knowledge is inherent to reason itself and we are all reasoners. Thus, a priori concepts belong to all who can reason them. I.e. the 180 degree interior angles of a triangle are a universal fact and as such would be contradictory for that to be owned.

#### 2. A priori facts are products of the features or relations that construct them, which means that the concepts are of belonging to their features that define them and not of any one person or group.

### P2

#### Part 2 is freedom.

#### Intellectual property protections in the squo violate physical property rights.

Krawisz 09 [Krawisz, Daniel. “The Fallacy of Intellectual Property.” Mises Institute, 8 Aug. 2009, mises.org/library/fallacy-intellectual-property dhs NJ]

Intellectual property is the principle that the creator of an idea has a right to certain controls over all the physical forms in which ~~his~~ [their] idea is recorded. The extent of this control may be different depending on whether the idea is considered copyrighted, patented, or trademarked, but the essential principle is the same in all cases.[1] This presumed right of the creator of an idea is often believed to be similar to the right that a homesteader has to land he has settled, but the analogy is false. Intellectual property is necessarily a statist doctrine.

The Nature of Property

People cannot be expected to agree unanimously on what the world ought to be like and what each person should do, nor are people necessarily coordinated and patient enough to arrive at a consensus through deliberation. Instead they will tend to be apart from one another, desiring immediate action and lacking established procedures of efficiently coming to decisions.

When people disagree and are unwilling to deliberate, one person's decision must prevail without regard to the others' desires. Whose decision prevails may be determined in two ways: physical conflict, or deferral to a system of property. With a system of property in place, it is necessary only to ask who owns a thing, rather than to endure the costs of deliberation or to resort to violence.

Without the possibility of two persons attempting to control any one thing, defining property rights would be a mere psychological game without any consequences for human action. If persons were bodiless ghosts able to pass through one another without interacting, or if everyone lived in his own universe without being able to move from one to another, all disagreements about what to do with the world would be irrelevant. The purpose of property rights is the prevention of physical conflict. An essential characteristic of property is exclusivity, meaning that the use of an object by one person prevents it from being used by another.[2]

In addition to property rights, political theorists have proposed many other kinds of rights. All such rights must resolve into rights over physical things. When we speak of a right to free speech or a right to one's labor, for example, we really mean a right over one's own physical body. All rights, therefore, are ultimately property rights.

Ultimately, though we might speak of ownership over abstract things, it is only physical things, which can actually be fought over, that are owned. This we must keep in mind, for it is possible to sound reasonable and humane when discussing in abstract terms rights that would sound monstrous if they were described in terms of property.

Libertarians have often noted, for example, that the "right" to health care, a job, or a minimum income implies a property right over the people capable of providing such things and is therefore really a form of slavery. Similarly, the right to a vote is really a joint ownership between all citizens over the people, land, and everything else within a particular jurisdiction.

Libertarians themselves are at times confused over this issue. For example, they sometimes claim that in a free market broadcast industry, broadcasters would own certain frequencies in a given region and would therefore have the right to broadcast without interference by a pirate radio station on the same frequency.

Yet it is clearly not the frequency that is owned, because a frequency is not a physical object but rather an abstract property of all waves. It is the land over which that frequency is broadcast that is owned, albeit only for the purposes of broadcasting that frequency. Ownership of a radio frequency is ultimately a property right over a region of space, which allows someone to broadcast at a given frequency over it.[3]

This example demonstrates that ownership is not necessarily over entire objects but rather over decisions to be made with regard to them. An object can be owned by many different people because there are many kinds of decisions that can be made about it. Since different frequencies of radio waves can pass through one another without interfering, the same territory can be owned separately for the purposes of broadcasting at each frequency without leading to a conflict.[4]

Ideas cannot themselves be controlled with physical force, but instead must be controlled by way of other things — paper, printing presses, computers, and people. It is therefore in these things that intellectual property consists. To own a patent in a given invention is to have rights over everything in the universe that might be used to replicate that invention. This ownership is limited; one only owns things to the extent of being able to prevent others from arranging them in a particular way.

Similarly, to have a copyright in a song or a book is to have a property right over all paper, printing presses, computers — even over all people — everywhere. The owner may prevent the copying or public performance of his work by them all. Intellectual property is, like socialism, a kind of slavery, albeit a limited kind. Unlike socialism, however, intellectual property does not limit itself to the people and property in a given town or nation, or even the entire world. Since most matter in the universe could be used to encode an idea, intellectual property is a claim over the entire universe.

"Intellectual property is necessarily a statist doctrine." Rather than seeing intellectual property as a particularly expansive kind of physical property, many people see it as a separate, analogous, and equally fundamental construction. To copy an intellectual work is therefore a form of theft analogous to burglary; however, I insist that there is no analogy.

Intellectual property and physical property cannot exist side-by-side as logically independent legal constructions. Anything that gives control over physical things necessarily limits others' control of those things, and therefore acts exactly like a physical property right. If you have an intellectual property right to your monograph, you may prevent me from copying it, thereby limiting the physical property right I have in my ink, pen, and paper.

#### That affirms – even if IP is legit, it’s strictly theoretical and has no jurisdiction over its physical manifestations.

### P3

#### Part 3 is inaction.

#### Affirmations of resolutions can be in-action. An example is “They ought to stop committing murder.” Affirming this statement is a form of in-action because it places an obligation on the one who is acting to stop acting. Thus, there are two conditions for an affirmation to be an inaction. First is the stopping of an action. This means the affirmation causes some agent to stop acting. Second is obligation and agent agreement. This means the one who will be forced to stop the action is also the one taking the action.

#### An affirmative ballot is an inaction. We meet first test; states stop enforcing IP protections. We meet second test; state would be forced to stop taking an action and obligation to stop that action from happening is put on the state.

## UV

### Theory

#### Theory:

#### [1] Aff gets 1AR theory because otherwise the neg can engage in infinite abuse, making debate impossible.

#### [2] DTD – the 1AR is too short for theory and substance so ballot implications are key to check abuse.

#### [3] No RVIs – they can dump 6 minutes of answers to a short argument and make the 2AR impossible.

#### [4] Competing interps – 1AR interps aren’t bidirectional and the neg should have to defend their norm since they have more time.

#### [5] Aff theory highest layer of the round – they get thirteen minutes on theory vs our seven minutes – they’ll say we can read 1AC theory but we can’t preempt every possible abuse story.

#### [6] No new 2NR theory or paradigm issues – makes the aff always lose since there’s no way to cover everything in the 2AR, and paradigm issues can be contested in the 1NC.

### Permissibility and Presumption

#### Permissibility and presumption affirm:

#### [1] If not, we’d have to have a proactive justification to do things like drinking water.

#### [2] Linguistics

University of Missouri no date University of Missouri, "Ethical Theory," no date, University of Missouri School of Medicine, accessed 6 September 2021, <https://medicine.missouri.edu/centers-institutes-labs/health-ethics/faq/theory> ~ST~

Expanding the category of “morally right” to include three different subcategories better captures the distinctions we want:

1. morally wrong
2. morally right
   1. morally neutral
   2. morally obligatory
   3. morally supererogatory

#### [3] Logically safer since it’s better to be supererogatory than to fail to meet an obligation.

#### [4] If I told you my name was Adrian, you’d believe me until it was proven otherwise.

#### [5] We wouldn’t be able to start a strand of reasoning since we’d have to question that reason.

#### [6] Time skew – the neg gets 7 minutes to respond to the AC and 6 minutes to respond to the 1AR, outweighs because it controls access to the ballot.

#### [7] Reciprocity – aff proving obligation means it’s reciprocal for the neg to prove negative obligation.

#### [8] Affirming is harder, they know the AC, but we don’t know the NC. If the round ends up equal, I overcame a disadvantage and debated better, which means you affirm.