## 1

#### Skepticism is true:

#### [1] Moral truth cannot exist – objective knowledge is merely an acceptance of each individual’s conception of the good. Macintyre 81

[Alasdair Macintyre, After Virtue. <https://undpress.nd.edu/9780268035044/after-virtue/>. Published 1981] SHS ZS

The most influential account of moral reasoning that emerged in response to this critique of emotivism was one according to which **an agent** **can only justify a** particular **judgment by referring to some universal rule** from which it may be logically derived, **and can only justify that** **rule** in turn **by deriving it from some more general rule** or principle; but on this view **[S]ince every chain of reasoning must be finite**, such a process of justificatory **reasoning must** always **terminate with** the assertion of **some rule** or principle **for which no further** **reason can be given**. ‘Thus a complete justification of a decision would consist of a complete account of its effects together with a complete account of the principles which it observed, and the effect of observing those principles. **If** [I] **the enquirer** still **goes on ask ing** ‘But why should I live like that?’ then **there is no further answer to give** him, because we have already, ex hypothesi, [we have already] said everything that could be included in the further answer.’ (Hare 1952, p. 69). **The terminus of justification is thus always**, on this view, a not further to be justified choice**, a choice unguided by criteria**. **Each individual** implicitly or explicitly **has to adopt his or her own** first **principles on the basis of such a choice**. **The utterance of any universal principle is** in the end an expression of **the preferences of an** **individual will** and for that will its principles have and can have only such authority as it chooses to confer upon them by adopting them.

#### [2] Empirically proven – the competition between competing reasons has been going for centuries. Leiter

[Leiter, Brian. Moral Skepticism and Moral Disagreement: Developing an Argument from Nietzsche. March 25, 2010.] SHS ZS

With respect to very particularized moral disagreements — e.g., about questions of economic or social policy — which often trade on obvious factual ignorance or disagreement about complicated empirical questions, this seems a plausible retort. But **for over two hundred years**, **Kantians and utilitarians have** [developed] **been developing** increasingly systematic **versions of their respective positions**. The Aristotelian tradition in moral philosophy has an even longer history. **Utilitarians** [They] **have become** particularly **adept at explaining how they can accommodate** [**others**] Kantian and Aristotelian intuitions about particular cases and issues, **though** in ways that are usually found to be systematically unpersuasive to the competing traditions and which, in any case, **do nothing to dissolve the disagreement** about the underlying moral criteria and categories. Philosophers in each tradition increasingly talk only to each other, without even trying to convince those in the other traditions. And **while there may well be ‘progress’ within traditions** — e.g., most utilitarians regard Mill as an improvement on Bentham—**there does not appear to be any progress** [towards] **in moral theory**, in the sense of a consensus that particular fundamental theories of right action and the good life are deemed better than their predecessors. What we find now are simply the competing traditions — Kantian, Humean, Millian, Aristotelian, Thomist, perhaps now even Nietzschean — who often view their competitors as unintelligible or morally obtuse, but don’t have any actual arguments against the foundational principles of their competitors. **There is**, in short, **no sign** — I can think of none — **that we are heading towards any epistemic rapprochement** between these competing moral traditions. Are we really to believe that hyper-rational and reflective moral philosophers, whose lives, in most cases, are devoted to systematic reflection on philosophical questions, many of whom (historically) were independently wealthy (or indifferent to material success) and so immune to crass considerations of livelihood and material self-interest, and most of whom, in the modern era, spend professional careers refining their positions, and have been doing so as a professional class in university settings for well over a century — are we really supposed to believe that they have reached no substantial agreement on any foundational moral principle because of ignorance, irrationality, or partiality

#### [3] Rule following paradox prevents the application of moral rules, even when justified. Langseth

[Langesth, Jonathan. “Wittengenstein’s Account of Rule-Following and Its Implications”. Stance Vol 1, April 1, 2008. <http://www.bsu.edu/libraries/virtualpress/stance/2008_spring/12Wittgenstein.pdf>] SHS ZS

This section shows that **rules themselves do not determine how they are to be followed**. **There is nothing**, for example, **inherent in an arrow that shows us which way it is pointing** or directing us to go.2 Similarly, as the above quote shows, **there is no means by which it can be known** with com- plete certainty that, in following the arithmetical sequence 0, n, 2n, 3n, 4n... in line with the order “+1**,” a person is following the intended rule**, for he or she may be following an alternative rule that is compatible with the intended rule up to a certain point. **There must be something in addition to the rule that directs us in a particular manner and indicates to us that we proceed accordingly**. The argument Wittgenstein is making in Section 185 is dependent upon the fact **that a rule, in order to be a rule, must be able to be broken.** **There must be correct and incorrect applications of a rule**. The question that arises here is: What determines correct and incorrect application of a rule? Or, what justifies following a rule correctly? **If a rule in itself does not show us how we are to follow it,** then. **[But] our interpretation of a rule must also not determine correct use**. If interpretation was what determined correct use, there would be no incorrect application of a rule. **This is the case because any interpretation can be seen to be in accordance with a rule.**

#### [4] Hume’s Guillotine – nothing can cross the is-ought gap, Hume 1739:

David Hume, Philosopher, “A Treatise of Human Nature,” 1739 //LHP AV

**In every system of morality**, which I have hitherto met with, I have always remark'd, that **the author proceeds for some time in the ordinary ways of reasoning**, and establishes the being of a God, **or makes observations concerning human affairs**; **when** all of a sudden **I** am surpriz'd to **find**, that instead of the usual copulations of propositions, is, and is not, **I meet with no proposition that is not connected with an ought, or an ought not**. **This change is imperceptible; but is however, of the last consequence.** **For as this ought, or ought not, expresses some new relation or affirmation**, 'tis necessary that it shou'd be observ'd and explain'd; and at the same time that **a reason** should be given; **for what seems altogether inconceivable**, **how this new relation can be a deduction from others, which are entirely different from it**

## 2

#### The meta-ethic is bindingness. Moral theories must be inescapable and binding otherwise agents could always ask “why” to infinity and never do anything. Metaethical standards outweigh: they determine what counts as a warrant for a standard, so absent grounding in some metaethical framework, their arguments aren’t relevant normative considerations.

#### Agency, or the setting and pursuing of ends, is inescapable.

**Ferrero 9** Luca Ferrero (University of Wisconsin at Milwaukee) “Constitutivism and the Inescapability of Agency” Oxford Studies in Metaethics, vol. IV January 12th 2009 pp. 6-8

3.2 Agency is special under two respects. First, agency is the enterprise with the largest jurisdiction.12 All ordinary enterprises fall under it. To engage in any enterprise is ipso facto to engage in the enterprise of agency. In addition, there are instances of behavior that fall under no other enterprise but agency. First, intentional transitions in and out of particular enterprises might not count as moves within those enterprises, but they are still instances of intentional agency, of bare intentional agency, so to say. Second, agency is the locus where we adjudicate the merits and demerits of participating in any ordinary enterprise. Reasoning whether to participate in a particular enterprise is often conducted outside of that enterprise, even while one is otherwise engaged in it. Practical reflection is a manifestation of full-fledged intentional agency but it does not necessary belong to any other specific enterprise. Once again, it might be an instance of bare intentional agency. In the limiting case, agency is the only enterprise that would still keep a subject busy if she were to attempt a ʻradical re-evaluationʼ of all of her engagements and at least temporarily suspend her participation in all ordinary enterprises.13 3.3 The second feature that makes agency stand apart from ordinary enterprises is agencyʼs closure. Agency is closed under the operation of reflective rational assessment. As the case of radical re-evaluations shows, ordinary enterprises are never fully closed under reflection. There is always the possibility of reflecting on  their **justification** while standing outside of them. Not so for rational agency. The constitutive features of agency (no matter whether they are conceived as aims, motives, capacities, commitments, etc.) continue to operate even when the agent is assessing whether she is justified in her engagement in agency. One cannot put agency on hold while trying to determine whether agency is justified because this kind of practical reasoning is the exclusive job of intentional agency. This does not mean that agency falls outside of the reach of reflection. But even reflection about agency is a **manifestation of agency**.14 Agency is not necessarily self-reflective but all instances of reflective assessment, including those directed at agency itself, fall under its jurisdiction; they are conducted in deference to the constitutive standards of agency. This kind of closure is unique to agency. What is at work in reflection is the distinctive operation of intentional agency in its discursive mode. What is at work is not simply the subjectʼs capacity to shape her conduct in response to reasons for action but also her capacity both to ask for these reasons and to give them. Hence, agencyʼs closure under reflective rational assessment is closure under agencyʼs own distinctive operation: Agency is closed under itself.15

#### This outweighs: A. Agents can’t arbitrarily ignore rationality since it function as a condition of agency in the first place. So even if another framework were true, that too would operate within the requirements of reason itself. B. Morality must provide a motivational reason for action otherwise agents can’t be morally culpable. Simply knowing that an action is immoral is not sufficient to override the action absent of some motivation to do so. And, agency is non-optional, which means rationality is intrinsically binding and motivational.

#### And, agency posits universalizability and respect for human dignity.

#### Humans have an empirical character and an intelligible one; we use the intelligible one to self-transcend and follow the Categorical Imperative

Farr 02-- Arnold Farr (phil prof @ 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.

One of the most popular criticisms of Kant’s moral philosophy is that it is too formalistic.13 That is, the universal nature of the categorical imperative leaves it devoid of content. Such a principle is useless since moral decisions are made by concrete individuals in a concrete, historical, and social situation. This type of criticism lies behind Lewis Gordon’s rejection of any attempt to ground an antiracist position on Kantian principles. The rejection of universal principles for the sake of emphasizing the historical embeddednes of the human agent is widespread in recent philosophy and social theory. I will argue here on Kantian grounds that although a distinction between the universal and the concrete is a valid distinction, the unity of the two is required for an understanding of human agency. The attack on Kantian formalism began with Hegel’s criticism of the Kantian philosophy.14 The list of contemporary theorists who follow Hegel’s line of criticism is far too long to deal with in the scope of this paper. Although these theorists may approach the problem of Kantian formalism from a variety of angles, the spirit of their criticism is basically the same: The universality of the categorical imperative is an abstraction from one’s empirical conditions. Kant is often accused of making the moral agent an abstract, empty, noumenal subject. Nothing could be further from the truth. The Kantian subject is an embodied, empirical, concrete subject. However, this concrete subject has a dual nature. Kant claims in the Critique of Pure Reason as well as in the Grounding that human beings have an intelligible and empirical character.15 It is impossible to understand and do justice to Kant’s moral theory without taking seriously the relation between these two characters. The very concept of morality is impossible without the tension between the two. By “empirical character” Kant simply means that we have a sensual nature. We are physical creatures with physical drives or desires. The very fact that I cannot simply satisfy my desires without considering the rightness or wrongness of my actions suggests that my empirical character must be held in check by something, or else I behave like a Freudian id. My empirical character must be held in check by my intelligible character, which is the legislative activity of practical reason. It is through our intelligible character that we formulate principles that keep our empirical impulses in check. The categorical imperative is the supreme principle of morality that is constructed by the moral agent in his/her moment of self-transcendence. What I have called self-transcendence may be best explained in the following passage by Onora O’Neill: In restricting our maxims to those that meet the test of the categorical imperative we refuse to base our lives on maxims that necessarily make our own case an exception. The reason why a universilizability criterion is morally significant is that it makes our own case no special exception (G, IV, 404). In accepting the Categorical Imperative we accept the moral reality of other selves, and hence the possibility (not, note, the reality) of a moral community. The Formula of Universal Law enjoins no more than that we act only on maxims that are open to others also. O’Neill’s description of the universalizability criterion includes the notion of self-transcendence that I am working to explicate here to the extent that like self-transcendence, universalizable moral principles require that the individual think beyond his or her own particular desires. The individual is not allowed to exclude others as rational moral agents who have the right to act as he acts in a given situation. For example, if I decide to use another person merely as a means for my own end I must recognize the other person’s right to do the same to me. I cannot consistently will that I use another as a means only and will that I not be used in the same manner by another. Hence, the universalizability criterion is a principle of consistency and a principle of inclusion. That is, in choosing my maxims I attempt to include the perspective of other moral agents.

#### The standard is thus ensuring human dignity, not using them as a mere means. Prefer additionally:

[1] Freedom is necessary to morality and freedom requires a self-transcendental frame of view with a focus on a priori truth, 2:17

Rohlf 1-- Rohlf, Michael, "Immanuel Kant", *The Stanford Encyclopedia of Philosophy*(Fall 2020 Edition), Edward N. Zalta (ed.), URL = <https://plato.stanford.edu/archives/fall2020/entries/kant/>.

The most important belief about things in themselves that Kant thinks only practical philosophy can justify concerns human freedom. Freedom is important because, on Kant’s view, moral appraisal presupposes that we are free in the sense that we have the ability to do otherwise. To see why, consider Kant’s example of a man who commits a theft (5:95ff.). Kant holds that in order for this man’s action to be morally wrong, it must have been within his control in the sense that it was within his power at the time not to have committed the theft. If this was not within his control at the time, then, while it may be useful to punish him in order to shape his behavior or to influence others, it nevertheless would not be correct to say that his action was morally wrong. Moral rightness and wrongness apply only to free agents who control their actions and have it in their power, at the time of their actions, either to act rightly or not. According to Kant, this is just common sense. On these grounds, Kant rejects a type of compatibilism that he calls the “comparative concept of freedom” and associates with Leibniz (5:96–97). (Note that Kant has a specific type of compatibilism in mind, which I will refer to simply as “compatibilism,” although there may be other types of compatibilism that do not fit Kant’s characterization of that view). On the compatibilist view, as Kant understands it, I am free whenever the cause of my action is within me. So I am unfree only when something external to me pushes or moves me, but I am free whenever the proximate cause of my body’s movement is internal to me as an “acting being” (5:96). If we distinguish between involuntary convulsions and voluntary bodily movements, then on this view free actions are just voluntary bodily movements. Kant ridicules this view as a “wretched subterfuge” that tries to solve an ancient philosophical problem “with a little quibbling about words” (ibid.). This view, he says, assimilates human freedom to “the freedom of a turnspit,” or a projectile in flight, or the motion of a clock’s hands (5:96–97). The proximate causes of these movements are internal to the turnspit, the projectile, and the clock at the time of the movement. This cannot be sufficient for moral responsibility. Why not? The reason, Kant says, is ultimately that the causes of these movements occur in time. Return to the theft example. A compatibilist would say that the thief’s action is free because its proximate cause is inside him, and because the theft was not an involuntary convulsion but a voluntary action. The thief decided to commit the theft, and his action flowed from this decision. According to Kant, however, if the thief’s decision is a natural phenomenon that occurs in time, then it must be the effect of some cause that occurred in a previous time. This is an essential part of Kant’s Newtonian worldview and is grounded in the a priori laws (specifically, the category of cause and effect) in accordance with which our understanding constructs experience: every event has a cause that begins in an earlier time. If that cause too was an event occurring in time, then it must also have a cause beginning in a still earlier time, etc. All natural events occur in time and are thoroughly determined by causal chains that stretch backwards into the distant past. So there is no room for freedom in nature, which is deterministic in a strong sense. The root of the problem, for Kant, is time. Again, if the thief’s choice to commit the theft is a natural event in time, then it is the effect of a causal chain extending into the distant past. But the past is out of his control now, in the present. Once the past is past, he can’t change it. On Kant’s view, that is why his actions would not be in his control in the present if they are determined by events in the past. Even if he could control those past events in the past, he cannot control them now. But in fact past events were not in his control in the past either if they too were determined by events in the more distant past, because eventually the causal antecedents of his action stretch back before his birth, and obviously events that occurred before his birth were never in his control. So if the thief’s choice to commit the theft is a natural event in time, then it is not now and never was in his control, and he could not have done otherwise than to commit the theft. In that case, it would be a mistake to hold him morally responsible for it. Compatibilism, as Kant understands it, therefore locates the issue in the wrong place. Even if the cause of my action is internal to me, if it is in the past – for example, if my action today is determined by a decision I made yesterday, or from the character I developed in childhood – then it is not within my control now. The real issue is not whether the cause of my action is internal or external to me, but whether it is in my control now. For Kant, however, the cause of my action can be within my control now only if it is not in time. This is why Kant thinks that transcendental idealism is the only way to make sense of the kind of freedom that morality requires. Transcendental idealism allows that the cause of my action may be a thing in itself outside of time: namely, my noumenal self, which is free because it is not part of nature. No matter what kind of character I have developed or what external influences act on me, on Kant’s view all of my intentional, voluntary actions are immediate effects of my noumenal self, which is causally undetermined (5:97–98). My noumenal self is an uncaused cause outside of time, which therefore is not subject to the deterministic laws of nature in accordance with which our understanding constructs experience.

#### 2] Changes in the subject stem from practical reason: that means the core of the subject remains the same, it’s an internal link.

**Tiberius:** [Tiberius, Valerie. “Practical Reason and the Stability Standard.” Ethical Theory and Moral Practice, Vol. 5, No. 3, Papers Presented to the Annual Conference of the British Society for Ethical Theory, Glasgow, 13-15 July 2001 (Sep. 2002), pp. 339-354. Springer] \*\* brackets for clarity

The notion of stability at work here is not temporal endurance. The kind of reflection that is not to change the agent's attitudes is reflection she deems appropriate and the notion of 'appropriate reflection' here is irreducibly normative.5 Judgments about continued or stable attitudes are normative judgments, not empirical predictions. The emphasis on stability, then, should not be taken to imply that there is one, fixed, stable pattern that provides the ultimate and perpetual goal of all reasoning. The ideally stable pattern of attitudes I have described above is not a static ideal that could be represented by a hypothetical, idealized agent whose choices determine the choices that actual people have reason to make. Because on my view what counts as appropriate reflection is inherently normative, and the norms of appropriate reflection evolve along with the people who endorse them, there is no fact of the matter about what an ideally stable ver sion of a particular person would choose that can be determined outside of the context ofthat person's reflection and deliberation. The ideal of stability, then, is a regulative ideal, in the sense that we can use it to make judgments about the ways in which our own choices could be improved. It is not a fixed ideal that determines the correct choices independently of the process of reasoning.6 The point of the ideal is to urge us toward improvement, not to describe a state of perfection. An important implication of taking the ideal of stability in this way is that what a person has reason to choose is likely to change over time as the person has new experiences and improves her own views about ideal reflection. Furthermore, taking the ideal of stability to be one [is] of improvement rather than perfection also has implications for the appropriate goal of reasoning. According to the stability standard interpreted as a norm of improvement, it is not the goal of reasoners to arrive at a stable state at which [where] there is no further need for reasoning. Rather, a reasoner's proper goal is to make choices that are part of the most stable pattern now, with the knowledge that what

### Kant Negates

#### The inventor’s property rights must be legally enforced through IP protections.

**Sonderholm 10 discusses** [Jorn Sonderholm (Professor with Specific Responsibilities at Aalborg University, Denmark, PhD in Philosophy from the University of St Andrews, UK, director of the Centre for Philosophy and Public Policy (C3P)), “Ethical Issues Surrounding Intellectual Property Rights”, Philosophy Compass 5/12 (2010): 1107–1115] SG

Traditionally, two distinct lines of thought have been fielded for the suggestion that IPRs are ethically justifiable. **One line of thought appeals to a natural right of an inventor to control the use of her innovation. This is the libertarian defense of IPRs** which has its historical roots in the writings of John Locke (Locke 1690). Robert Nozick has in more modern times been an advocate for this line of thought (Nozick 1974). **The libertarian view endows individuals with a natural right of appropriation.** This is the idea that **any innovator ⁄ worker who mixes her labor with a previously unowned object or natural resource comes to own this object or resource in full and can legitimately deny that other people use ⁄ appropriate this object or resource.** The natural right of appropriation central to libertarianism has an important proviso (famously formulated by Locke) which is an ‘enough and as good’ clause on original appropriation. The proviso states that one can only appropriate unowned resources if one leaves enough and as good for others. Where resources are scarce, one cannot legitimately stake a claim to something by annexing one’s labor to it. Neither can one come to own the scarce resource by enhancing its value. If the resource is necessary for the continued well-being of others, then the fact that x was the one who developed or improved the resource does not give x exclusive rights over it. x’s entitlement to reward for her labor is overridden by the entitlement of others to that which is necessary for their survival. **On the libertarian view, there is no morally relevant difference between, say, a farmer who mixes her labor with the land and thereby come to own the results of this interaction (the timber, the harvest, the fruits, etc.) and a medical researcher who mixes her labor with certain chemicals and thereby come to own the results of the interaction (physical objects and an intellectual idea ⁄ formula for an useful drug).** Provided that the farmer and the medical researcher pay heed to the Lockean proviso, they both come to enjoy a strong property right on the objects that result from their mixing their labor with unowned natural resources. **This natural property right is**, moreover, to be **written into the legal framework and enforced by the proper authorities** (police and courts of law). **Libertarians can therefore see trade agreements such as TRIPS as a legitimate legal enforcement of a pre-existing natural ⁄ moral right.**

#### Moral and economic rights go hand-in-hand – authors deserve compensation if others benefit from their work.

**Pozzo 06** [Riccardo Pozzo (Professor of History of Philosophy at University of Verona, PhD from Saarland University), “Immanuel Kant on Intellectual Property”, Trans/Form/Ação, v.29(2), 2006, p.11-18] SG \*brackets for gendered language

**The peculiarity of intellectual property consists thus first in being indeed a property, but property of an action; and second in being indeed inalienable, but also transferable in commission and license to a publisher. The bond the author has on [their] his work confers [them]** him **a moral right that is indeed a personal right. It is also a right to exploit economically [their] his work in all possible ways, a right of economic use**, which is a patrimonial right. Kant and Fichte argued that **moral right and the right of economic use are strictly connected**, and that the **offense to one implies inevitably offense to the other.** In eighteenth-century Germany, the free use came into discussion among the presuppositions of a democratic renewal of state and society. In his Supplement to the Consideration of Publishing and Its Rights, Reimarus asked writers “instead of writing for the aristocracy, to write for the tiers état of the reader’s world.” (Reimarus, 1791b, p.595). He saluted with enthusiasm the claim of disenfranchising from the monopoly of English publishers expressed in the American Act for the Encouragement of Learning of May 31, 1790. **Kant**, however, **was firm in embracing intellectual property.** Referring himself to Roman Law, he asked for its legislative formulation not only as patrimonial right, but also as a personal right. In Of the Illegitimity of Pirate Publishing, **he considered the moral faculties related to intellectual property as an “inalienable right** (ius personalissimum) always himself to speak through anyone else, the right, that is, that no one may deliver the same speech to the public other than in his (the author’s) name” (Kant, 1902, t.8, p.85). Fichte went farther in the Demonstration of the Illegitimity of Pirate Publishing. He saw intellectual property as a part of his metaphysical construction of intellectual activity, which was based on the principle that thoughts “are not transmitted hand to hand, they are not paid with shining cash, neither are they transmitted to us if we take home the book that contains them and put it into our library. In order to make those thoughts our own an action is still missing: we must read the book, meditate – provided it is not completely trivial – on its content, consider it under different aspects and eventually accept it within our connections of ideas” (Fichte, 1964, t.I/1, p.411). At the center of the discussion was the practice of reprinting books in a pirate edition after having them reset word after words after an exemplar of the original edition. Given Germany’s division in a myriad of small states, the imperial privilege was ineffective against pirate publishing. **Kant** and Fichte **spoke for the acceptance of the right to defend the work of an author by the usurpations of others so that [they] he may receive a patrimonial advantage from those who utilize the work acquiring new knowledge and/or an aesthetic experience.** In particular, Fichte declared the absolute primacy of the moral faculties within the corpus mysticum. He divided the latter into a formal and a material part. “This intellectual element must be divided anew into what is material, the content of the book, the thoughts it presents; and the form of these thoughts, the manner in which, the connection in which, the formulations and the words by means of which the book presents them” (Fichte, 1964, t.I/1, p.411). Fichte’s underlining the author’s exclusive right to the intellectual content of his book – “the appropriation of which through another is physically impossible” (ibid.) – brought him to the extreme of prohibiting any form of copy that is not meant for personal use.

### UV

#### Permissibility negates:

#### 1] Semantics – Ought is defined as expressing obligation which means absent a proactive obligation you vote neg since there’s a trichotomy between prohibition, obligation, and permissibility and proving one disproves the other two. Semantics outweighs – A. it’s key to predictability since we prep based on the wording of the res B. It’s constitutive to the rules of debate since the judge is obligated to vote on the resolutional text.

#### 2) Err neg independently off ethical uncertainty, we assume we’re not obligated to act, that’s why individuals aren’t held accountable for moral tragedies across the globe.

### Reasonability---1NC

#### Use reasonability with the briteline that it was clearly delineated and answerable—

#### 1. Competing interps over-incentivizes reading theory which detracts from substantive clash

#### 2. Over-punishing—otherwise you vote on a tiny amount of abuse—kills proportionality which is the definition of fairness

#### Arbitrariness inevitable—there’s no objective way to judge rights vs. death, reps vs. consequences, etc. so it’s best to intervene in a way that reduces the asinine nature of LD theory

## Case

#### Subjectivity falls very squarely in the is camp and can’t cross the is-ought gap:

#### A] Even if we are in constant flux, for us to strive towards something requires us to have some objective goal

#### B] Computers programs develop over time, but some constants like efficiency are always things we can work towards

## Offense

#### Contingent and imperfect victories are good — their “all or nothing” framework leads to giving up, not liberation.

**Solnit 16** — Rebecca Solnit, Contributing Writer at *Harper’s Magazine*, Historian and Activist who has written eighteen books on feminism, western and indigenous history, popular power, social change, and insurrection, 2016 (“Grounds For Hope,” *Hope in the Dark: Untold Histories, Wild Possibilities* (Third Edition), Published by Haymarket Books, ISBN 9781608465798, p. kindle 77-80)

People Have the Power

Social, cultural, or political change does not work in predictable ways or on predictable schedules. The month before the Berlin Wall fell, almost no one anticipated that the Soviet Bloc was going to disintegrate all of a sudden (thanks to many factors, including the tremendous power of civil society, nonviolent direct action, and hopeful organizing going back to the 1970s), any more than anyone, even the participants, foresaw the impact that the Arab Spring or Occupy Wall Street or a host of other great uprisings would have. We don’t know what is going to happen, or how, or when, and that very uncertainty is the space of hope.

Those who doubt that these moments matter should note how terrified the authorities and elites are when they erupt. That fear signifies their recognition that popular power is real enough to overturn regimes and rewrite the social contract. And it often has. Sometimes your enemies know what your friends can’t believe. Those who dismiss these moments because of their imperfections, limitations, or incompleteness need to look harder at what joy and hope shine out of them and what real changes have emerged because of them, even if not always in the most obvious or recognizable ways.

And **everything is flawed, if you want to look at it that way**. The analogy that has helped me most is this: in Hurricane Katrina, hundreds of boat-owners rescued people—single moms, toddlers, grandfathers—stranded in attics, on roofs, in flooded housing projects, hospitals, and school buildings. None of them said, **I can’t rescue everyone, therefore it’s futile**; therefore my efforts are flawed and worthless, though that’s often what people say about more abstract issues in which, nevertheless, lives, places, cultures, species, rights are at stake. They went out there in fishing boats and rowboats and pirogues and all kinds of small craft, some driving from as far as Texas and eluding the authorities to get in, others refugees themselves working within the city. There was bumper-to-bumper boat-trailer traffic—the celebrated Cajun Navy—going toward the city the day after the levees broke. None of those people said, I can’t rescue them all. All of them said, I can rescue someone, and that’s work so meaningful and important I will risk my life and defy the authorities to do it. And they did. Of course, working for systemic change **also** matters—the kind of change that might prevent calamities by addressing the climate or the infrastructure or the environmental and economic injustice that put some people in harm’s way in New Orleans in the first place.

Change is rarely straightforward, and that is one of the central premises of this book. Sometimes it’s as complex as chaos theory and as slow as evolution. Even things that seem to happen suddenly arise from deep roots in the past or from long-dormant seeds. A young man’s suicide triggers an uprising that inspires other uprisings, but the incident was a spark; the bonfire it lit was laid by activist networks and ideas about civil disobedience and by the deep desire for justice and freedom that exists everywhere.

It’s important to ask not only what those moments produced in the long run but what they were in their heyday. If people find themselves living in a world in which some hopes are realized and some joys are incandescent and some boundaries between individuals and groups are lowered, even for an hour or a day or several months, **that matters**. Memory of joy and liberation can become a navigational tool, an identity, a gift.

Paul Goodman famously wrote, “Suppose you had the revolution you are talking and dreaming about. Suppose your side had won, and you had the kind of society that you wanted. How would you live, you personally, in that society? Start living that way now!” It’s an argument for **tiny and temporary victories**, and for **the possibility of partial victories** in the absence or even the impossibility of total victories. Total victory has always seemed like a secular equivalent of paradise: a place where all the problems are solved and there’s nothing to do, a fairly boring place. The absolutists of the old left imagined that victory would, when it came, be total and permanent, which is practically the same as saying that victory was and **is impossible and will never come**. It is, in fact, **more than possible**. It is something that **has** arrived in innumerable ways, small and large and often incremental, but not in that way that was widely described and expected. So victories slip by unheralded. Failures are more readily detected.

And then every now and then, the possibilities explode. In these moments of rupture, people find themselves members of a “we” that did not until then exist, at least not as an entity with agency and identity and potency; new possibilities suddenly emerge, or that old dream of a just society reemerges and—at least for a little while—shines. Utopia is sometimes the goal. It’s often embedded in the moment itself, and it’s a hard moment to explain, since it usually involves hardscrabble ways of living, squabbles, and eventually disillusion and factionalism—but also more ethereal things: the discovery of personal and collective power, the realization of dreams, the birth of bigger dreams, a sense of connection that is as emotional as it is political, and lives that change and do not revert to older ways even when the glory subsides.

Sometimes the earth closes over this moment and it has no obvious consequences; sometimes empires crumble and ideologies fall away like shackles. **But you don’t know beforehand**. People in official institutions devoutly believe they hold the power that matters, though the power we grant them can often be taken back; the violence commanded by governments and militaries often fails, and nonviolent direct-action campaigns often succeed.

The sleeping giant is one name for the public; when it wakes up, when we wake up, we are no longer only the public: we are civil society, the superpower whose nonviolent means are sometimes, for a shining moment, more powerful than violence, more powerful than regimes and armies. We write history with our feet and with our presence and our collective voice and vision. And yet, and of course, everything in the mainstream media suggests that popular resistance is ridiculous, pointless, or criminal, unless it is far away, was long ago, or, ideally, both. These are the forces that prefer the giant remain asleep.

Together we are very powerful, and we have a seldom-told, seldom-remembered history of victories and transformations that can give us confidence that yes, we **can** change the world because we have many times before. You row forward looking back, and telling this history is part of helping people navigate toward the future. We need a litany, a rosary, a sutra, a mantra, a war chant of our victories. The past is set in daylight, and it can become a torch we can carry into the night that is the future.