**The role of the ballot is to vote for the debater who best proves the truth or falsity of the Resolution; the affirmative must prove it true and the negative must prove it false. Prefer:**

**A) Text: Five dictionaries define negate as to deny the truth of and affirm as to prove true which means the sole judge obligation is to vote on the resolution’s truth or falsity. Constitutivism outweighs because you don’t have the jurisdiction not to truth test. Jurisdiction is a meta constraint since every argument you make concedes the authority of the judge fulfilling their jurisdiction to vote aff if they affirm better and neg the contrary.**

**B) Logic: Any counter role of the ballot collapses to truth testing because every property assumes truth of the property i.e. if I say, “I am awake” it is the same as “it is true that I am awake” which means they are also a question of truth claims because it’s inherent.**

**C) Ground: Any offense can function under truth testing whereas your specific role of the ballot excludes all strategies but yours. This is bad for education because me engaging in a debate I know nothing about doesn’t help anyone.**

**D) Truth Testing is a prerequisite to other role of the ballots because without truth we’re operating off of lies which is what fuels propaganda and oppression.**

**E) Intervention-A true false binary just requires the judge to determine if the resolution is true or false. This is net better than role of the ballots about methods, or preventing certain things from happening, because the judge has to intervene to determine how much oppression for example, the neg and aff have prevented. Which is more subjective, than just, the aff shows proof for the truth of the resolution.**

**Ethics must be concerned with what the function of humans is, it will always fail unless it can answer the question of what our purpose is.**

**Kallenberg**, Brad. "The Master Argument of MacIntyre's 'After Virtue.'" *University of Dayton ECommons*, 20**11**, core.ac.uk/download/pdf/232845633.pdf. Accessed 17 Aug. 2021. ICW NW

The important thing to realize is that the Enlightenment Project didn't simply happen to fail , it had to fail. **What doomed the Enlightenment Project from its inception was its loss of the concept of telos.** The word telos is borrowed from classical Greek and means "end" or "purpose." When applied to human morality the term signifies **the answer to the question, "What is human life for?'**' In Aristotle's day (fourth century BC), moral reasoning was an argument consisting of three terms. The first term was the notion of the untutored human nature that so desperately needed moral guidance. The second term was human nature conceived in terms of having fulfilled its purpose or achieved its telos. The third term, moral imperatives, was that set of instructions for moving from the untutored self toward the actualized telos. In this way **moral precepts** weren't snatched out of thin air but **got their "punch"** or their "oughtness" **from the** concrete **notion of what human life was for.** 5 The wristwatch is a good example of how this works. **If we ask, "What is the wristwatch for?" the** usual **answer is that watches are for timekeeping.** 6 To put it more technically, we could say that **the** purpose or **telos of the watch is timekeeping.** Or, to put it in still other terms, we can say that the watch is functionally defined as a mechanism for keeping time. Knowledge of this telos enables us to render judgment against a grossly inaccurate watch as a "bad" watch. Furthermore, **our functional definition also allows us to identify the** functional **imperative for watches: "Watches ought to keep time well." Because the Enlightenment rejected the traditionally shared concept of what human life is for and started, as it were, from scratch by inventing the idea of humans as "autonomous individuals," the concept of telos, so very central to morality, was lost.** Having rejected the received account of telos, the only remaining option upon which moral principles might be grounded was the untutored human nature-the very thing in need of guidance and, by nature, at odds with those guiding principles! The results of the failure of the Enlightenment Project were far reaching. First, without the notion of telos serving as a means for moral triangulation, moral value judgments lost their factual character. And, of course, if values are "factless," then no appeal to facts can ever settle disagreements over values. It is in this state of affairs that emotivism, with its claim that moral values were nothing but matters of preference, flourishes as a theory. Second, **impostors stepped in to fill the vacuum created by the absence of telos** in moral reasoning. For example, **utilitarianism can be seen to offer a ghostly substitute when it asserts that morality operates according to the principle of greatest good for greatest number. But this principle is vacuous because the utilitarians who assert it cannot adequately define what "good" means.** 7 Similarly, Kant tried to rescue the (newly) autonomous moral agent from the loss of authority in his or her moral statements by attempting to provide "rational" justification for statements deprived of their former teleological status. **Not only did Kant fail but later analytic philosophy cannot advance Kantian arguments without smuggling in undefined terms such as rights and justice.** Macintyre's point is that tradition alone provides the sense of terms like good and justice and telos. The presence of this moral vocabulary in debates today only goes to show that "modern moral utterance and practice can only be understood as a series of fragmented survivals from an older past and that the insoluble problems which they have generated for modern moral theories will remain insoluble until this is well understood" (110-11). In the absence of traditions, moral debate is out of joint and becomes a theater of illusions in which simple indignation and mere protest occupy center stage: But protest is now almost entirely that negative phenomenon which characteristically occurs as a reaction to the alleged invasion of someone's rights in the name of someone else's utility. The self-assertive shrillness of protest arises because the facts of incommensurability ensure that protesters can never win an argument; the indignant self righteousness of protest arises because the facts of incommensurability ensure equally that the protesters can never lose an argument either. (71; cf. 77)

**The way human’s fulfill their function is by being virtuous.**

**Kallenberg 2**, Brad. "The Master Argument of MacIntyre's 'After Virtue.'" *University of Dayton ECommons*, 2011, core.ac.uk/download/pdf/232845633.pdf. Accessed 17 Aug. 2021. ICW NW

To defend Aristotle as the apex of virtue theory, Macintyre must make a characteristically un-Aristotelian move. He must show that Aristotle lies along the historical trajectory that begins with Homeric literature and is, therefore, indebted to and dependent upon his predecessors.9 Furthermore, Macintyre must show that Aristotle's formulation of moral philosophy has advanced beyond that of his predecessors while retaining characteristic features of the overall tradition. To do this Macintyre focuses on four features in Aristotle's thought. First, the concept of a moral order, which began to emerge in Plato's thinking, becomes more explicit in Aristotle. However, unlike Plato's conception of moral order, which ruled as it were from above, Aristotle sees this moral order as internal to what it means to be human. Humans are teleological beings, which is to say, **human living aims at an end, or telos. Some ends are intermediate rather than terminal. The ship at which shipbuilding aims may in turn be a means for the practice of war craft, which itself may be a means to a yet more distant end.** Aristotle reasons that **human action consists of means-end chains, which converge on one ultimate end called the Good.** The extent to which humans achieve their telos is the extent to which they participate in the Good. In Aristotle's mind, **the telos can be conceived only in terms of a thing's natural function.** Similarly, **virtues are function-specific,** or more precisely, excellency of function.' 0 To illustrate, **if the function of a horse is to run, then the telos of a horse is racing, and its virtue is its speed. Virtues,** therefore, **are qualities that assist achievement of the telos,** and the telos of a thing is bound up in the nature of the thing. The nature of human beings, upon which the notion of the human telos depends, is bound up in the metaphysical structure of the soul. According to Aristotle, while we may share the vegetative (growth) and locomotive (movement) soul-stuff with the animals, **humans are distinguished in the chain of being by their rational souls. The end of human life, therefore, is rationality, and the virtues are (1) virtues of character, which assist living according to reason, and (2) virtues of thought, which enable proper exercise of reason itself.** The notion of a function-specific telos represents an advance over earlier formulations of the tradition by providing a clearer account of moral imperatives. As noted earlier in the wristwatch illustration, it is the concept of telos that provides human beings with moral imperatives. If the function of a watch is timekeeping, then it ought to keep time well. If the function of human beings is rationality, then humans ought to live in accordance with, and in right exercise of, reason. The second feature of Aristotle's moral philosophy is eudaimonia. A difficult word to translate-blessedness, happiness, prosperity-it seems to connote "the state of being well and doing well in being well, of man's being well-favored-himself and in relation to the divine" (148). **Eudaimonia names that telos toward which humans move. Virtues, then, assist the movement toward eudaimonia,** but eudaimonia cannot be defined apart from these same virtues: But the exercise of the virtues is not in this sense a means to the end of the good for man. For **what constitutes the good for man is a complete human life lived at its best, and the exercise of the virtues a necessary and central part of such a life,** not a mere preparatory exercise to secure such a life. We thus cannot characterize the good for man without already having made reference to the virtues. (149) The apparent circularity of the relation between telos, eudaimonia, and virtue is not a mark against Aristotle's system but, rather, an advance over Plato's. For Plato, "reality" not only denoted the world of rocks and doorknobs, it also included the world of intangibles such as "love" and "17"-things whose existence in the realm of Form is every bit as real as the middle-sized dry goods that clutter our sensible world. As Plato saw it, "true virtue" belonged to the realm of Form, and particular human qualities were deemed "virtuous" to the extent that they resembled the "true virtue" of which they were copies. Thus, there could be no inherent conflict or disunity between particular virtuous qualities; any tragic conflict was simply a function of imperfection in copying universal virtue into particular living. In this way, morality was thought to be objective and moral reasoning an exercise of the intellect according to which the mind grasped the Form of "true virtue." Ironically, Plato's doctrine failed even to overcome the relativist claims of the Sophists and tragic dramatists of his own day. Although Macintyre does not think that Aristotle himself explicitly conquered the problem of what to do when virtues conflict, his model, which defines telos, eudaimonia, and virtue in terms of each other, does point the way toward conceiving moral reasoning as a skill rather than as an exercise of intellect (as Plato and the later Enlightenment thinkers imagined). Such skill could be attained and cultivated only from within the form of life in which these concepts were at home. The third feature of Aristotle's system is the distinction between theoretical reasoning and practical reasoning. Practical reasoning begins with a want, or goal, or desire and always terminates in action. **Suppose you are thirsty** after a long day of shopping. **The major premise of your reasoning process is your (obvious) belief that anyone who is thirsty is well advised to find a drinking fountain.** The minor premise of this line of thought is your knowledge that a drinking fountain exists in the northwest corner of this particular department store. **Your practical reasoning terminates in your act of walking to the northwest corner of the store and quenching your thirst.** In Aristotle's way of looking at things, **moral reasoning is** an instance of practical reasoning. It is **assisted by virtues of character** (which temper, guide, and shape initial desires) and virtues of thought (such as phronesis, which enables the perception of practical reasoning's major premises)." Perhaps the most important use of practical reason is its employment in the balancing of human activities. I cannot spend all my time in theoretical contemplation, the highest faculty of reason and thus the highest human good (158), because I would soon starve to death. In order to maximize the amount of time I can engage in contemplation, I must balance this activity with work, civic duty, and the like. This mental balancing act is the domain of practical reason. This explanation also sheds light on why virtuous persons make the best civic leaders, since skill in practical reasoning is also what it takes to run the polis. The fourth feature of Aristotle's moral philosophy that Macintyre emphasizes is friendship. Friendship, of course, involves mutual affection, but for Aristotle, "that affection arises within a relationship defined in terms of common allegiance to and a common pursuit of goods" (156). This is to say that Aristotle's notion of friendship presupposes, first, the existence of the polis, which renders common good possible, and second , that this good itself is the health of the polis: "We are to think then of friendship as being the sharing of all in the common project of creating and sustaining the life of the city, a sharing incorporated in the immediacy of an individual 's particular friendships" (156). The emphasis on friendship in Aristotle illustrates one aspect of continuity in this historic tradition, namely, that the moral structure is intimately linked with social relationships.

**Thus, the standard is consistency with virtue ethics.**

**Impact Calc:**

**My framework cares about the character of a person, not the goodness or badness of specific actions. A good person is a virtuous person. Virtues are determined via:**

**a) What aids us in fulfilling our telos. I.e. if I want to be a good debater, I should strive to be intelligent, hard working, etc.**

**b) We have innate sentiments that help us favor some virtues over others. I.e. We are naturally inclined to know serial killers are bad people. From this we can see what virtues “good people” have and strive towards those.**

**Prefer:**

**1. Morality requires us to act immediately in the face of injustice otherwise we’re complicite in injustice, but we also have to hesitate because we can’t just act sporadically. Only my framework reconciles this, if we act virtuously, we internalize what the correct course of action is, so we intrinsically know the answer to ethical dilemmas.**

**Sileo**, Will. "Why Does Aristotle Make so Much Sense? A Philosophical Analysis of Aristotle, Kant, and Mill's Moral Theories." *Claremont Colleges*, 20**20**, scholarship.claremont.edu/cgi/viewcontent.cgi?article=3394&context=cmc\_theses. Accessed 17 Aug. 2021. ICW NW

Habituation is what it sounds like — building habits, and this specifically ties into the parts of the soul just mentioned. **Aristotle recognizes humans as creatures of habit who set routines to structure our lives**, and as such, **we can** use the rational part of our soul to take control of the appetitive part, and **through repetition and training** (habituation) **make it so that our automatic processes and reactions are in line with the actual carrying out of virtue. Through self reflection, we can choose what habits we want to keep and what habits we want to discard, which should,** through rationally recognizing the correct habits, **guide us to virtue.**1

**2. If we only focus on the question of what good actions are, people can just randomly choose what ethics they want to follow since, the theory telling them what to do hasn’t been picked yet. This would mean the aff only has to prove obligation under one locus of duty because every framework would be equally arbitrary.**

**Kallenberg 3**, Brad. "The Master Argument of MacIntyre's 'After Virtue.'" *University of Dayton ECommons*, 2011, core.ac.uk/download/pdf/232845633.pdf. Accessed 17 Aug. 2021. ICW NW

S0ren Kierkegaard (1813- 55) heartily agreed with the content of the morality that Kant defended (middle-class German Lutheran piety), but he also perceived that Kant's rational vindication of morality had failed as miserably as its predecessors. According to Kierkegaard, **all persons are free to choose the plane of their existence.** But **this leaves** open **the problem of how to decide which plane to inhabit, since the criteria for making the decision are internal to the plane under consideration. Shall I inhabit the plane of the pleasure-seeking aesthete or that of the ethical rule-follower**? **To choose according to passion is** to be relegated to **the plane of the aesthetic. To choose according to reason is to have already chosen the ethical plane.** Hence, **neither passion nor reason can be the criterion for making the choice. The choice is a criterionless leap.** Macintyre concludes: Just as Hume seeks to found morality on the passions because his arguments have excluded the possibility of founding it on reason, so Kant founds it on reason because his arguments have excluded the possibility of founding it on the passions, and Kierkegaard on criterionless fundamental choice because of what he takes to be the compelling nature of the considerations which exclude both reason and the passions. (49) So by Hume's standards Kant is unjustified in his conclusions; by Kant's standards Hume is both unjustified and unintelligible. By Kierkegaard's, both Hume and Kant are intelligible, but neither is compelling. The proof of the Enlightenment Project's failure is the stubborn existence of rival conceptions of moral justification.

**3. Only my framework reconciles tension between what we want to do and what we ought to do.**

**Sileo 2**, Will. "Why Does Aristotle Make so Much Sense? A Philosophical Analysis of Aristotle, Kant, and Mill's Moral Theories." *Claremont Colleges*, 2020, scholarship.claremont.edu/cgi/viewcontent.cgi?article=3394&context=cmc\_theses. Accessed 17 Aug. 2021. ICW NW

As I have said already, I find virtue ethics to be the most compelling account and the most useful ethical theory in my own life. I find myself really resonating with the ideas of habituation as a means of guiding myself towards a more moral and virtuous life and see the idea of virtue as a mean between extremes as a highly accurate description of human functioning. However this part of the paper is a deeper dive into the question of why I feel this to be so, and as such I will evaluate these theories based on how well they respond to who we are as human beings and their ability to lead us to the good life. First, I will look at the respective moral psychologies of Aristotle, Kant, and Mill. Ethics is about guiding us as human beings to morality, and as such any ethical theory should take into account some essence of human functioning or understanding of what it means to be human as a means of informing the account. An essential aspect of what it means to be human, especially in the realm of ethics and morality is our motivation for action, what it is that compels us to do the things we do. Many ethical theories consider the larger categories of motivation for action as morality and self interest, with all human actions being motivated by one or the other. I find that **as individual human beings we are most strongly inclined to do what is best for ourselves,** as has been proven in many psychological studies and philosophical reasoning. In short, **all of us have a reason not to follow morality in many day to day circumstances. I could donate a portion of my income to charity, or I could use the money to buy myself nice things,** but **we often tend to choose the latter.** And so, **there is a tension between what is best for us, and what is** best overall, what is **moral**. I find **Aristotle’s rejection of this tension through his assertion that the virtuous life is the happiest life to be [is] a compelling treatment of the problem. His claim gives us a self interested reason to reject what I will term ‘narrow self interest’, the sort of self interest that would decline giving to charity in favor of furthering one’s personal well being.** As such, we can separate this narrow self interest from what I will call ‘larger self interest’, the self interest that is furthered by living in a society where people act morally, and generally don't lie, steal and cheat each other whenever possible. The difference is a difference in scope. For example, in deciding whether or not one should raid their neighbors vegetable garden or fruit tree, one can think of the ways that one might benefit from the act of stealing, but at the same time one might also think of the ways that one might benefit from existing in a society where one’s personal property is not under constant threat of being stolen. Each of these moral theories, in suggesting that we choose moral actions, asks us to engage in the shared belief of a world in which this is possible. However, I want to analyze how well these theories demonstrate that it is in our larger self interest to take moral actions, which I will refer to as ‘the convergence’ problem. I will consider a theory to have successfully dealt with the convergence problem if it is able to demonstrate to us how morality and self interest actually do converge, or more simply that acting morally is in our own self interest. As I’ve already hinted at, my initial intuition here is that I will find Aristotle’s complete rejection of this tension to be the most compelling treatment of the convergence problem, however we will see if this idea holds up under closer scrutiny. As a second point of analysis, and mixed in with my discussion of this fundamental tension, I will discuss how these theories deal with the idea of a sensible knave, the person who, as David Hume puts it “...observes the general rule, and takes advantage of all the exceptions.”18 which factors into the discussion mentioned above through the idea of self interested reasons to act morally instead of giving into narrow self interest. 18 Hume, Enquiry Concerning the Principles of Morals, section 9 part 2 16 Mill’s utilitarianism is a very good example of the convergence problem, and so I will begin my analysis with his theory. As stated above, Mill claims that self interest and morality are two different ways of motivating human beings to action, with one’s own happiness being the ultimate end that we pursue in life. In light of this Mill looks to the government and to our own ‘internal sanctions’ (one’s conscience) to convince us to act in moral ways, ‘moral’ to Mill being that which serves the good of everyone, holding to his utilitarian standpoint. I strongly feel that there is something about the separation of these two motivations that simply doesn't benefit the common good. **If the aim of such an ethical theory is the utilitarian maximization of the happiness of all, highlighting this apparent difference between morality and self interest gives us more of a license to act from our own narrow self interest rather than curbing this basic human impulse**. However, Mill claims that it is the duty of the government to keep people in line and structure society such that we can serve the good of the many while still following our narrow self interest by giving us incentives to act morally and disincentives to act immorally, the penalties which back up the law in day to day life.19 I find this insufficient as a solution. **I don't think the goal of having laws that perfectly guide us to a moral life is an attainable goal. One cannot simply cover all the bases when the ‘bases’ are the individual decision points that we are all presented with in the course of daily life, and a much better solution is one in which people regulate their own narrow self interest** seeking tendencies for the greater good, preferably a greater good that they believe they will benefit from. That being said, Mill doesn't just rely on external sanctions of the law and acknowledges the power of internal sanctions. In chapter three of Utilitarianism, Mill claims that the internal sanction of duty and one’s conscience is what keeps one from straying into immorality, and is 19 Mill, Utilitarianism, ch 3 17 the true binding force of his theory. “It's binding force, however consists in the existence of a mass of feeling which must be broken through in order to do what violates our standard of right, and which, if we do nevertheless violate that standard, will probably have to be encountered afterwards in the form of remorse.”20 Later on in the chapter Mill furthers this point by appealing to mankind’s innate feelings of unity with one another, suggesting that, from a utilitarian standpoint, “there is this basis of powerful natural sentiment; and that it is which, when once the general happiness is recognized as the ethical standard, will constitute the strength of the utilitarian morality.”21 He claims that this ‘powerful natural sentiment’, our “desire to be in unity with our fellow creatures”22 is something natural to our position as creatures within a society, which he claims must consult the interests of all to be possible. This seems like a much stronger solution to the convergence problem. With the power of these internal sanctions, Mill does sufficiently deal with the convergence problem as he is able to, through the recognition of his utilitarian standard, give principled reasons as to why we should want to follow morality. He demonstrates that morality stems from this powerful natural sentiment within us, disproving my initial concern with the insufficiency of his theory in addressing this tension between self interest and morality. I still feel that there is something better about Aristotle’s complete rejection of the tension, but it seems that Mill reaches the same conclusion, albeit through a more circuitous route, which I would see as a downside and a weaker position to construct a moral theory from. 20 Mill, Utilitarianism, p29 21 Mill, Utilitarianism, p31-32 22 Ibid 18 Kant’s moral psychology claims that we should follow the categorical imperative because of the logical and reasoned arguments he gives for recognizing it as exactly that, an imperative. However, similar to my initial thoughts on utilitarianism, I again see the problem of a lack of demonstration of convergence. As I’ve discussed in the exegesis of Kant’s point of view, he sees all humans as rational agents such that each and every one of us is an end in themselves and as such is deserving of respect, which amounts to not being treated as a means to someone else’s ends. Growing out of this recognition of human rationality is the recognition of human autonomy and the moral law as the law that one gives to oneself. 23 As such we are all supposed to, in recognizing our own rationality (which we must do because we as humans take ourselves to be free) recognize this same aspect in all other human beings and treat them accordingly. The kingdom of ends that Kant discusses sums up my point nicely. He describes this kingdom of ends as “only possible on the analogy of a kingdom of nature, the former however only by maxims, that is self-imposed rules, the latter only by the laws of efficient causes acting under necessitation from without.”24 Just as the kingdom of nature is completely and solely governed by the necessitation of natural processes, so the kingdom of ends is solely and completely governed by the categorical imperative and the maxims it generates. This analogy implies a complete adherence to the categorical imperative — similar to how one cannot violate laws of nature, Kant claims that we cannot violate these maxims of morality if we are to actualize the categorical imperative in our lives. However, this ‘cannot’ is not ‘cannot violate these maxims of morality because doing so will affect one’s happiness or self interest’, but rather a more logical cannot as Kant claims that if we are to accept the basic first principles that his 23 Kant, Groundwork of the Metaphysic of Morals, p44 24 Ibid 19 argument stems from we will have no choice but to logically accept his conclusion of following the categorical imperative. However, this doesn't give us what we need to fix the problem of convergence, a proof that morality and happiness converge. Furthermore, Kant himself makes the point that the categorical imperative “has nothing to support it in heaven or earth.”25 This idea (at least in his mind) completes his theory by raising it up to a pure standard as he does with logic, which he names a ‘pure philosophy’ due to the fact that logic gets its truth and validity from nothing more than abstract rules, without any empirical evidence. He finds it to be a strength of his theory to be built solely on logic and first principles that can be determined from basic reasoning as he sees empirical evidence from the real world as less pure, with truth less guaranteed. In appealing to this side of human rationality, he gives us purely logical reasons for why we should act morally. However, I find that this aspect of his theory completely distances it from human life and presents the problem of giving us rational beings no larger self interested reason to follow the categorical imperative, despite it’s being classified as an imperative. In short, **Kant gives an account of how we should act but not why we should act in that way** and I simply don't see this as providing any suggestion that larger self interest and morality converge. Even if one is to in theory accept Kant’s reasoning for why we must make moral choices in our lives such that we abide by his categorical imperative, the human capacity for rationalization about why their situation should grant them an exception is phenomenal. Oh, it’s ok if I walk off the trail, pick the flowers, or even cheat the system, if everyone else follows the rules it will all be fine! We as humans are very prone to backsliding and slippery slopes, especially when self interest is the motivating factor. We may be rational creatures, but we are susceptible to irrationality and irrational choices. As such, without any 25 Kant, Groundwork of the Metaphysic of Morals, p34 20 motivating reasons to follow morality from the perspective of larger self interest, Kant doesn't give us any self interested reason to act morally. As I’ve said earlier, part of what I like so much about Aristotle’s virtue ethics is the idea of self interest and morality as aligned, completely rejecting the tension that the other two moral theories bring up. I agree that perhaps morality and self interest are in fact disconnected as the other theories state, but to present it as such, at least for a moral theory, seems to severely undermine the position. I feel that **the way Aristotle deals with this convergence problem is much more effective** than the other two — **he simply denies that this tension between morality and self interest exists at all, with his claim that the moral life is the happiest life.** While on first glance this idea may just seem outright wrong — we can think of all the ways that one might be confronted by a moral dilemma where one must not give in to self interest — I believe there is more to it than meets the eye. We must recognize how Aristotle’s view is much wider in scope than a single instance of a moral or self interested action. In arguing that the moral life is the happiest life he is making a claim about the entirety of one’s lived experience. Alasdair MacIntyre, a modern virtue ethicist argues that this position is justified because **not acting morally will always have you looking over your shoulder for your immoral actions to catch up with you,** an idea reflected outside of virtue ethics by philosophers such as David Hume. **Acting immorally may lead to** short term or **material benefits, but these will never add up to the peace of mind afforded by a life well lived in accordance with virtue.** 26 However, there are two things that must be noted here. First of all, Aristotle gives us a very thin conception of what it is for this moral and happy life to take place. He simply states it 26 MacIntyre, Alasdair. After Virtue a Study in Moral Theory. Bloomsbury, 2014. 21 as fact, not accepting the possibility for anything else, and not giving arguments to back up this position either. I find the most plausible explanation for this fact to be the differences in concept between what we consider to be ‘virtue’ or morality today and what the word meant in ancient Greek which is laid out earlier. To Aristotle it was obvious that **a life lived in accordance with virtue would be the happiest life — after all, it was an excellent life that one would be living.** That being said, this is definitely a weak point of Aristotle’s argument. Second, we must recognize that the idea that the virtuous life is the happiest life in effect is quite similar to other moral theories which claim that not acting morally will catch up to you. Hume supports this idea as well in his discussion of morality, and the problem of a ‘binding force of morality’ is explicitly referred to in Mill’s utilitarianism. In short, this is not something truly special about virtue ethics. However, I do believe that it does show a major flaw in Kant’s deontology.

**Consequences Fail**

**1. We can’t predict the future which means we can’t predict the consequences of an action since things can happen during our actions that cause a completely different consequence.**

**2. Normativity: If people are held responsible for things they didn’t intend it means they have no control over their actions being immoral. This outweighs because people will give up on morality if they’re blamed for things they didn’t do.**

**3. Calculation freezes action: We have to calculate the results of every action yet calculation is itself an action, which means once we calculate we just keeping adding actions to calculate, and just spend our entire life calculating.**

**4. Trust Paradox: Consequentialism obligates changes in actions on a case by case basis which means every action is subject to calculation and thus people act sporadically, meaning we can’t predict what others will do. But consequentialism necessitates that we can make predictions which means it’s paradoxical and impossible to use.**

**5. Backlash: Consequentialism accounts for how others react to an action not just the action itself. This means if someone committed a horrendous action, but other people saw the action happen, and decided the reform things to make sure these sorts of bad actions aren’t able to happen, consequentialism would say that original action was good because it prompted overall reform that helped more people.**

**Contention 1)**

**Intellectual property protections prevent individuals from accessing what is key to their function as virtuous agents.**

**Morrissey**, Michael, "An alternative to intellectual property theories of Locke and utilitarian economics" (20**12**). LSU Master's Theses. 3332. <https://digitalcommons.lsu.edu/gradschool_theses/3332> ICW NW

3.4 – Ideas of Intellectual Flourishing as the Means to Flourishing **The ideas protected by intellectual property claims**, whatever they may be, **are the ingredients and mediums of the human function. Ideas, concepts, designs,** theories, books, music, movies, **and whatever else is involved in intellectual property** (and perhaps even more) **are the very things which are necessary for intellectual flourishing. We must use and implement these ideas, many of which are artificially protected by intellectual property rights, to fulfill our function.** These ideas are the building blocks of thinking. They are the necessary and fundamental components of fulfilling our human function. **Without having the access necessary to use and implement them, we are impoverished, not just intellectually, but also biologically.** It is fairly obvious how **the use and implementation of these ideas are necessary for our cognitive development.** These are the primary objects of cognition. Ideas are directly used or handled in our minds. Material objects must be used or implemented to enable further cognitive development. Printed media has accelerated how we pass information and knowledge on to others. Music notation and sound recording devices have enabled us to pass on phonic art and original lectures and speeches. Video synergizes our senses, efficiently passing on cultural, aesthetic, and educational information to others. Reflect on what the abacus or computer has enabled in terms of intellectual flourishing. **We would not be able to develop our minds and fulfill our intellectual telos without using and implementing objects of intellectual flourishing.** Implementation provides other indirect benefits to fulfilling our intellectual telos as well. Take the case of Norman Borlaug, a man famous for changing agriculture around the world, many of us owe our lives to this man. Borlaug discovered or created the processes which doubled crop yields around the world. His work is not solely for academics or for the sake of 46 Borlaug’s personal intellectual flourishing. The use and implementation of these ideas are necessary for human flourishing in other respects – directly impacting how we nourish ourselves as a species, and indirectly freeing up time and energy, while allowing us to pursue even greater intellectual flourishing. They open the gates to be better humans, individually and as a species. Ideas of all sorts are necessary to intellectual flourishing; they are instrumental means to our function, and also therefore to our end as human beings. To be obligated to achieve an end is to be obligated to the necessary conditions and means for that end. **We are obligated to use and implement the objects of intellectual property because they are part of the necessary means to achieving intellectual flourishing.** Granted, it isn’t clear how we know which intellectual objects are necessary as means to our flourishing, intellectually and otherwise. Some intellectual objects are clearly more relevant to our flourishing than others, and I’m unsure exactly which objects have absolutely no possible instrumental value to human flourishing. In the future, when developing my larger project related to intellectual property rights, I must address and substantiate/support the following claim: the number of objects which have no possible instrumental value to human flourishing, is exceedingly small. Some people already have this intuition, but for others, I may need to provide a wide-ranging set of cases and empirical evidence to support the claim. Essentially, **virtually all the objects of intellectual property must be made available to humanity.** Some objects are necessary for everyone (literature, math, politics, etc.), and some objects are necessary for a few (musical instruments and chess). **These objects must be freely available if we are to flourish as a species. Further, we are obligated to use and implement these objects to fulfill our function. Moreover, we should enable others to use and implement these 47 objects, and we should not impede others from accessing, using, and implementing these objects because these are the means to flourishing.** 3.5 - The Right to Flourish Sen and Nussbaum’s capabilities approach is an empirical method of institutional reform that is derived from the normative claims that the freedom to achieve well-being as a human being is of vital moral importance and that this freedom can only be understood relative to the capabilities of individuals to realize it: that is, **individuals must have real opportunities to live well and to flourish as human beings.** Their approach and my sketch are rooted in the same general kind of eudaimonism and picture of the human good. An account of human flourishing or human good defined by the essential functions and characteristics of humans is needed for the capability approach to produce tangible and substantial claims on which to apply its methodology. Martha Nussbaum describes her "thick vague theory of the good” as “an account of the most important functions of the human being, in terms of which human life is defined. The idea is that once we identify a group of especially important functions in human life, we are then in a position to ask what social and political institutions are doing about them.”37 The capability approach is a method, arguably a heuristic device for justice, built upon this teleological view of humankind. This is the approach: [1] We assume human life has a function(s) and a set of essential features; [2] we identify those properties in terms of functions/achievements and capabilities/opportunities, and set them as a metric or standard of human flourishing; [3] we go out into the world to test and observe whether or not, and to what degree, social and political institutions (like the basic structure in Rawls) are promoting and enabling humans in their domains to flourish according to our metrics; [4] if these standards aren’t reached, if humans aren’t flourishing as they should, if our social order performs poorly to any degree on our metrics, then we look to see how to reform or revolutionize public policies of these institutions in order for them to better enable and promote human flourishing; [5] go back to step 3, rinse and repeat. The capability approach is not just interested in being able to describe what counts as flourishing – it wants to prescribe how we can bring about flourishing on a global scale. The sketch I’m offering in this chapter is more or less aligned with the capability approach in this goal. **Intellectual flourishing can be found in the central human capabilities that Nussbaum outlines.** She outlines the ability to use and engage our senses, imagination, thought, experience, emotions, practical reason, among others, as central human capabilities – as essential teleological features of humans.38 Intellectual property rights are certainly a matter of great interest to the capability approach. The capability approach is interested in measuring how public policy, including the quality and quantity intellectual property rights, generates or fails to generate circumstances in which humans maximally flourish. **Current intellectual property rights do not merely interfere with our efforts to exercise our intellectual capabilities, but they 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.** One of the more contentious claims of this sketch theory is that, on average, more people will flourish, and flourish to a greater degree, if we did not continue to protect intellectual property rights in such high quantities and qualities. **The current intellectual property regime impinges on our ability to exercise our intellectual capacities, and essentially we are restricted from maximally flourishing because of unnecessary intellectual property protections.** That is clearly an empirical question which must be answered with a tool like the capability approach. If that claim is correct, then **on a eudaimonistic approach to intellectual property, we may prescribe diminished intellectual property rights.**

**Contention 2)**

**Restrictive patenting by companies is non virtuous because it partakes in greed, selfishness etc.**

David W. **Opderbeck**, *A Virtue-Centered Approach to the Biotechnology Commons (Or, The Virtuous Penguin)*, 59 Me. L. Rev. 315 (20**07**).

Available at: <https://digitalcommons.mainelaw.maine.edu/mlr/vol59/iss2/5> ICW NW

Against this background of how virtue ethics has been applied to open source communities, environmental problems, and health care, it is possible to identify several themes that can support a virtue ethics approach to open source biotechnology. First, **biotechnology is part of a broader community of science. We should ask, ''what characteristics are embodied in the biotechnology community that, if developed, will enable it to function as an excellent scientific/public health community?"** The communitarian focus of virtue ethics maps well onto the ideal of biotechnology research as a community of science. The communitarian focus also encourages us to think about what sort of community we want the biotechnology community to become. **As we consider biotechnology as a community, we can focus on the practices that support the virtues integral to that community**. Here, the concepts of"internal goods," "standards of excellence," and "systematic extension" are inherent both in communities of science as well as in open source communities. The environmental virtue ethics concept of "agent benefit" also meshes well with this teleological, practice-oriented view of biotechnology. The biotechnology practitioner seeks ways to produce healthier, more abundant crops, or to eliminate the polluting by-products of farm or industrial activities. 145 The extension of these practices moves the community closer to its te/os. Likewise, **the health care virtue ethics concept of the virtuous practitioner applies to those engaged in the practice of biotechnology.** The virtues identified by Oakley and Cocking in reference to medical doctors can apply to biotechnology researchers, although with a different focus. While the question whether a medical doctor is a beneficent, truthful and trustworthy practitioner is defined largely in relation to the patient, **the biotechnology researcher is defined in relation to the scientific research community and the public. A truthful and trustworthy researcher, for example, will provide an accurate report of her results, and a beneficent researcher will place the goal of fostering beneficial scientific knowledge above other strategic or personal concerns.** Similarly, Pellegrino and Thomasma's concepts of fidelity to trust and self effacement apply directly to biotechnology research. As they note, **when a researcher accepts public funds and benefits from public facilities and research-conducive social arrangements, the researcher enters into a "covenant with society in which the primary goods cannot be power, personal profit, prestige, or pride."** 146 Such financial and reputational rewards are "external" to the practice of research and ought not to dominate the internal goods such as increasing knowledge and developing useful technology. 147 **Moreover, because the research community depends on access to the research of others, a virtuous researcher must be able to balance legitimate self-interest with an understanding that her results should be accessible to others.** 148 Pellegrino and Thomasma particularly criticize the "industrial model" of research. As they note, **"[g]aining the competitive edge, establishing priority and ownership of information, cornering the market, getting the patent, choosing research topics on their future investment possibilities-these are the values of industry. They encourage the wrong kind of self-interest and frustrate the primary aim of research."** 149 A practice such as open access publishing, which embodies an open source ethos, is particularly valuable because it builds on the internal goods of the biotechnology community. 150 In addition, the virtue of justice can play an important role in a virtue ethics approach to biotechnology. Justice as a virtue is "the strict habit of rendering what is due to others." 151 Justice includes the principle of beneficence and the virtue of benevolence, as well as a commitment to social justice. 152 Pellegrino and Thomasma identify "skimming and dumping"-the practice of treating only the best paying patients and not treating the poor-as examples of poor policies that virtuous practitioners should strive to avoid. 153 Similar concerns apply to the biotechnology research community, particularly concerning the allocation of research support. Finally, all these virtues must be anchored by the core virtue of phronesis or practical wisdom. In this regard, it is important to remember that market-based and open source production methods are not necessarily at odds. When transaction costs are low, markets might often distribute biotechnology resources more efficiently than other methods, and intellectual property rights might facilitate efficient exchanges. 154 In the quote that opens this essay, the Biotechnology Industry Organization states that "[i]ntellectual property protection is the key factor for economic growth and  advancement in the biotechnology sector." 155 It is too simplistic to assert that this reflects mere greed. There is an element of virtue in this statement, as it reflects a measure of practical wisdom gained as the biotechnology community has extended its practices over time. And yet, if BIO's recent promotional video is correct, and the biotechnology's core teleology is to "make suffering less ... deal with hunger and starvation, and ... educate and to better the population," 156 economic growth and advancement do not exist in a vacuum. Economic growth and advancement in the biotechnology sector advance a broader purpose. At times, that broader purpose might better be extended through practices that focus on results other than economic growth. These **core virtues of beneficence, fidelity to trust, justice, and practical wisdom cohere nicely with the set of virtues required for excellence in open source production.** If such virtues can become foundational to the discussion of biotechnology intellectual property policy, **open science alternatives could be viewed** not as potential adjuncts in cases of market failure, nor as a socialistic utopian panacea, but rather **as a set of practices that can contribute to the eudemonia toward which biotechnology strives.** Open source communities can then provide a third way between outright dedication to the public domain and restrictive patenting and licensing policies.

**Underview**

**Permissibility Affirms**

**1. Permissible actions are obligatory a) it's better for us to think something’s obligatory and do it, than to ignore an obligation, because there’s no harm in doing something useless. b) it’s better for us to take okay actions than bad ones.**

**2. If ought statements are statements of permissibility, the resolution is definitely true, because there’s nothing stopping the world trade organization from passing the aff.**

**3. The aff burden is to show the aff is consistent with a system of values, if there are none I meet that burden since I can’t be inconsistent with something that doesn’t exist.**

**3.Presumption and Permissibility should both affirm for fairness:**

**a)The aff reads the AC in the dark which means they don’t know which arguments will and will not be strategic. I.e. I could accidentally read a position that was too skeptical and autolose if permissibility negates.**

**b) The negative is reactive which means a) if they get presumption and permissibility they can just read seven minutes of permissibility arguments mooting the aff, and forcing me to answer seven minutes with four. b) they get to uplayer with cps, theory, ks, NCs, so the affirmative should also get methods to uplayer.**

**Generic negating harder arguments don’t apply because they don’t explain why presumption and permissibility rectify the specific side biases.**

**4. I get 1ar theory because otherwise the neg can be infinitely abusive which outweighs everything because that makes it impossible for the aff to win.**

5.  **Paradigm Issues: Drop the debater a) to deter future abuse, b) if I prove abuse it means substance has already been skewed. No RVIs, a) debaters don’t win for just being fair or educational, b) it would encourage good theory debaters to be abusive so they can bait theory and win off an RVI. Competing interps because a) reasonability is arbitrary and requires judge intervention b) it encourages getting as close to the brightline as possible and**