**1AC**

**Framework**

**Ethics must be a priori:**

**1] Regress: A theory is only binding when you can answer the question “why should I do this?” and not continue to ask “why”. Only practical reason provides a deductive foundation for ethics since the question “why should I be rational” already concedes the authoritative power of agency since your agency is at work. 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.**

**2] Is-ought gap – experience only tells us what is since we can only perceive what is, not what ought to be. But it’s impossible to derive an ought from descriptive premises, so there needs to be additional a priori premises to make a moral theory.**

**3] Action theory: only evaluating action through reason solves since reason is key to evaluate intent, otherwise we could infinitely divide actions. For example: If I was brewing tea, I could break up that one big action into multiple small actions. Only our intention, to brew tea unifies these actions if we were never able to unify action, we could never classify certain actions as moral or immoral since those actions would be infinitely divisible**

**That justifies universalizability. Two warrants:**

**1] Absent universal ethics, morality becomes arbitrary and fails to guide action, which means that ethics is rendered useless. Therefore err aff on risk of offense since anything else means ethics cannot serve it’s purpose.**

**2] Any non-universalizable norm justifies someone’s ability to impede on your ends which also means universalizability acts as a side constraint on ends-based frameworks.**

**Siyar 99** Jamsheed Aiam Siyar: Kant’s Conception of Practical Reason. Tufts University, 1999**:**

. Now, **when I represent my end as to be done, I represent it as binding me to certain courses of action**, precluding other actions, etc. **Thus, my ends function as constraints for me in that they determine what I can** or must **do** (at least if I am to be consistent). I may of course give up an end such as that of eating ice cream at a future point; yet while I have the end, I must see myself as bound to do what is necessary to realize it.35 Thus, I must represent my ends as constraints that I have adopted, constraints that structure the possible space of choice and action for me. Further, given that my end is rationally determined, I take it to be generally recognizable that my end functions as a rationally determined constraint. That is, I take it that other subjects can also recognize my end as an objective constraint, for I take it that they as well as myself can cognize its determining grounds—the source of its objective worth—through the exercise of reason. Indeed, **in representing an end, I** in effect **demand recognition for it from other subjects: since the end functions as an objective though self-imposed constraint for me**, I must demand that this constraint be recognized as such. The thought here is simply that **if I am committed to some end,** e.g. my ice cream eating policy, I must act in certain ways to realize it. In this context, **I cannot be indifferent to the** attitudes and **actions of others, for these may either help or hinder my pursuit of my end. Hence, if I am** in fact **committed to realizing my end,** i.e. if I represent an end at all, **I must demand that the worth of my end**, its status as to be done, **be recognized by others.**

**Thus the standard is consistency with the categorical imperative. Prefer:**

**1] Performativity- All arguments by definition appeal to reason; otherwise you are conceding they have no warrant to structure them and are by definition baseless. Thus reason is an epistemic constraint on evaluating neg arguments.**

**2] Consequences Fail: [A] Every action has infinite stemming consequences, because every consequence can cause another consequence. [B] Aggregation Fails – suffering is not additive can’t compare between one migraine and 10 headaches [C] Predictions are impossible because anything could lead to a butterfly effect of unexpected consequences i.e. sneezing becoming a tornado and killing thousands. [D] destroy ethics since you only know for certain an action is correct is after you take it which makes it too late to correct a wrongdoing. Also, we’d1 always be culpable for things outside of the will due to infinite external factors which would infinitely condemn agents.**

**3]** **Frameworks all share equal value. Weighing between them becomes infinitely regressive as it presupposes there is a higher metric to determine who has the better justifications. That means contestation is vacuous which means a locus of moral duty is sufficient since it has an uncontested obligatory power.**

**4] Means-based ethics are key to ethical decision-making – other frameworks fail.**

**Anderson**:Anderson, Kerby. [National Director of Probe Ministries International] “Utilitarianism: The Greatest Good for the Greatest Number.” *Probe*, 2004**. Strake Jesuit JX**

**One problem with utilitarianism is that its** leads to **an** ‘**end justifies the means’ mentality. If any** worthwhile **end can justify the means** to attain it, **a** true **ethical foundation is lost**. But we all know that the end does not justify the means. If that were so, **then Hitler could justify the Holocaust because the end was to purify the human race. Stalin could justify his slaughter of millions because he was trying to achieve a communist utopia. The end never justifies the means. The means must justify themselves. A particular act cannot be judged as good simply because it may lead to a good consequence. The means must be judged by some objective and consistent standard of morality. Second, utilitarianism cannot protect the rights of minorities if the goal is the greatest good for the greatest number. Americans in the eighteenth century could justify slavery on the basis that it provided a good consequence for a majority of Americans**. Certainly the majority benefited from cheap slave labor even though the lives of black slaves were much worse. A third problem with utilitarianism is predicting the consequences. **If morality is based on results, then we would have to have omniscience in order to accurately predict the consequence of any action. But at best we can only guess at the future, and often these educated guesses are wrong. A fourth problem with utilitarianism is that consequences themselves must be judged. When results occur, we must still ask whether they are good or bad results. [Further][,] [u]tilitarianism provides no objective and consistent foundation to judge results because results are the mechanism used to judge the action itself. Inviolability is intrinsically valuable.**

**5] Freedom is a property of agency, not a consequence. Adding two circles doesn’t make anything more circular than it was before, just like two humans aren’t freer than one human.**

**Offense**

**1] Patents attempt to assert ownership over nature and impede individuals’ abilities to pursue their own ends**

**Long 95** [(Roderick T., professor of philosophy at Auburn University, editor of the Journal of Ayn Rand Studies, director and president of the Molinari Institute and a Senior Fellow at the Center for a Stateless Society) “The Libertarian Case Against Intellectual Property Rights,” Free Nation Foundation, 1995] JL recut Lex VM

The moral case against patents is even clearer. **A patent is, in effect, a claim of ownership over a law of nature**. What if Newton had claimed to own calculus, or the law of gravity? Would we have to pay a fee to his estate every time we used one of the principles he discovered?

Defenders of patents claim that patent laws protect ownership only of inventions, not of discoveries. (Likewise, defenders of copyright claim that copyright laws protect only *implementations* of ideas, not the ideas themselves.) But this distinction is an artificial one. Laws of nature come in varying degrees of generality and specificity; if it is a law of nature that copper conducts electricity, it is no less a law of nature that this much copper, arranged in this configuration, with these other materials arranged so, makes a workable battery. And so on.

Suppose you are trapped at the bottom of a ravine. Sabre-tooth tigers are approaching hungrily. Your only hope is to quickly construct a levitation device I've recently invented. You know how it works, because you attended a public lecture I gave on the topic. And it's easy to construct, quite rapidly, out of materials you see lying around in the ravine.

But there's a problem. I've patented my levitation device. I own it — not just the individual model I built, but the universal. Thus, you can't construct your means of escape without using my property. And I, mean old skinflint that I am, refuse to give my permission. And so the tigers dine well.

This highlights the moral problem with the notion of intellectual property. By claiming a patent on my levitation device, I'm saying that **you are not permitted to use your own knowledge to further your ends**. By what right?

Another problem with patents is that, when it comes to laws of nature, even fairly specific ones, the odds are quite good that two people, working independently but drawing on the same background of research, may come up with the same invention (discovery) independently. Yet **patent law will arbitrarily grant exclusive rights to the inventor who reaches the patent office first**; the second inventor, despite having developed the idea on his own, will be forbidden to market his invention.

**The categorical imperative rejects the idea of intellectual property as it suppresses freedom by preventing others from innovating and suppressing speech in the name of a copyright.**

**Pievatolo 10** Pievatolo, Maria. “Freedom, Ownership and Copyright: Why Does Kant Reject the Concept of Intellectual Property?” *Freedom, Ownership and Copyright: Why Does Kant Reject the Concept of Intellectual Property?*, 7 Feb. 2010, bfp.sp.unipi.it/chiara/lm/kantpisa1.html. SJEP

**In the Metaphysics of Morals, Kant seems to take for granted that the objects of real rights are only corporeal entities or res corporales: «Sache ist ein Ding, was keiner Zurechnung fähig ist. Ein jedes Object der freien Willkür, welches selbst der Freiheit ermangelt, heiß daher Sache (res corporalis)».** [**32**](http://bfp.sp.unipi.it/chiara/lm/kantpisa1.html#ftn.id2478823) **Theoretically, however, such a negative definition could have been appropriate to incorporeal things as well. According to Kant, the rightful possession of a thing should be distinguished from its sensible possession. Something external would be rightfully mine «only if I may assume that i could be wronged by another's use of a thing even though I am not in possession of it» (AA.06** [**245:13-16**](http://virt052.zim.uni-duisburg-essen.de/Kant/aa06/245.html)**). The rightful possession is an intelligible, not sensible, relation. I can claim that my bicycle is mine only if I am entitled to require that nobody takes it even when I leave it alone in the backyard. Kant's theory of property is very different from Fichte's principle of property as explained in his 1793 essay, according to which we are the rightful owners of a thing, the appropriation of which by another is physically impossible. For this reason, according to Fichte, the originality of the exposition entitles an author to claim a rightful property on his work. Is it really so obvious that originality implies property? Property is a comfortable social convention that allows us to avoid to quarrel all the time over the use of material objects. It is so comfortable just because it is physically possible to appropriate things; we do not need to invoke property when something cannot be separated from someone. I say both that my fingerprints or my writing style are "mine" and that my bicycle is "mine". But these two "mine" have a different meaning: the former is the "mine" of attribution; the latter is the "mine" of property. The former can be used to identify someone, and conveys the historical circumstance that something is related exclusively to someone; the latter points only to an accidental relation with an external thing, if we consider it from a physical point of view. It is possible to lie on a historical circumstance, by plagiarizing a text, i.e. by attributing it to a person who did not wrote it.** However, properly speaking, no one can "steal" the historical connection between "my" writing style and me: the convention of property is useless, in this case. Besides, if Fichte's principle were the only justification of property right, it would undermine the very concept of it: as it is physically possible to "attribute" my bicycle to another, when I leave it alone in the backyard, everyone would be entitled to take it for himself. As Kant would have said, a legal property right cannot be founded on sensible situations, but only on intelligible relations. Although he defines things as res corporales, Kant determines the rightful possession of a thing as a possession without detentio, by ignoring all its sensible facets. Such a possession - a possession of a thing without holding it - is exerted on an object that is "merely distinct from me", regardless of its position in space and time. Space and time, indeed, are sensible determinations and should be left out of consideration. According to the postulate of practical reason with regard to rights, property is justified by a permissive law of reason: [33](http://bfp.sp.unipi.it/chiara/lm/kantpisa1.html#ftn.id2533469) if a rightful possession were not possible, every object would be a res nullius and nobody would be entitled to use it. Kant implicitly denies that a res nullius can be used by everyone at the same time. His tacit assumption suggests that the objects of property, besides being distinct from the subjects, are excludable and rivalrous as well, just like the res corporales. Kant asserts that something external is mine if I would be wronged by being disturbed in my use of it even though I am not in possession of it (AA.6, [249:5-7](http://virt052.zim.uni-duisburg-essen.de/Kant/aa06/249.html)). If property is a merely intelligible relation with an object that is simply distinct from the subject, we have no reason to deny that such an object might be immaterial as well, just like the objects of intellectual property. Why, then, does Kant refrain from using the very concept of it? According to him, a speech is an action of a person: it belongs to the realm of personal rights. A person who is speaking to the people is engaging a relationship with them; if someone else engages such a relationship in his name, he needs his authorization. The reprinter, as it were, does not play with property: he is only an agent without authority. Speeches, by Kant, cannot be separated from persons: he has seen the unholy promised land of intellectual property without entering it. According to Kant, before the acquired rights, everyone has a moral capacity for putting others under obligation that he calls innate right or internal meum vel tuum (AA.06, [237:24-25](http://virt052.zim.uni-duisburg-essen.de/Kant/aa06/237.html)). The innate right is only one: freedom as independence from being constrained by another's choice, insofar it can coexist with the freedom of every other in accordance with a universal law. Freedom belongs to every human being by virtue of his humanity: in other words, it has to be assumed before every civil constitution, because it is the very possibility condition of law. Freedom implies innate equality, «that is, independence from being bound by others to more than one can in turn bind them; hence a human being's quality of being his own master (sui iuris), as well as being a human being beyond reproach (iusti) since before he performs any act affecting rights he has done no wrong to anyone, and finally his being authorized to do to others anything that does not in itself diminish what is theirs, so long as they do not want to accept it - such things as merely communicating his thoughts to them.» (AA.06, [237-238](http://virt052.zim.uni-duisburg-essen.de/Kant/aa06/237.html)) [34](http://bfp.sp.unipi.it/chiara/lm/kantpisa1.html#ftn.id2533617) **In spite of his intellectual theory of property,** [**35**](http://bfp.sp.unipi.it/chiara/lm/kantpisa1.html#ftn.id2533628) **Kant does not enter in the realm of intellectual property for a strong systematic reason. Liberty of speech is an important part of the innate right of freedom. It cannot be suppressed without suppressing freedom itself. If the ius reale were applied to speeches, a basic element of freedom would be reduced to an alienable thing, making it easy to mix copyright protection and censorship.** [**36**](http://bfp.sp.unipi.it/chiara/lm/kantpisa1.html#ftn.id2533656) **Property rights are based on the assumption that its objects are excludable and rivalrous and need to be appropriated by someone to be used. We cannot, however, deal with speeches as they were excludable and rivalrous things that need to be appropriated to be of some use, because excluding people from speeches would be like excluding them from freedom. Therefore, Kant binds speeches to the persons and their actions, and limits the scope of copyright to publishing, or, better, to the publishing of the age of print: the Nachdruck is unjust only when someone reproduces a text without the author's permission and distributes its copies to the public. If someone copies a book for his personal use, or lets others do it, or translates and elaborates a text, there is no copyright violation, just because it is not involved any intrinsic property right, but only the exercise of the innate right of freedom. The boundary of Kant's copyright is the public use of reason, as a key element of a basic right that should be recognized to everyone. Kant does not stick to the Roman Law tradition because of conservatism, but because of Enlightenment.**

**Advocacy**

**Thus, the advocacy – The member nations of the World Trade Organization ought to reduce intellectual property protections for medicines. CP and PICs affirm because they do not disprove my general thesis and check the doc for a list for spec. CX checks all theory interps otherwise grant me an auto I meet.**

**Underview**

**1. Presumption and permissibility affirm a) statements are more often true until proven false i.e. if I tell you my name is Aarush you’ll believe that unless proven otherwise b) we couldn’t function or do anything in a world where everything was presumed false. c) Otherwise we’d have to have a proactive justification to do things like drink water. d) If anything is permissible, then definitionally so is the aff since there is nothing that prevents us from doing it.**

**2] 1AR theory is legitimate – Otherwise the neg can be infinitely abusive, and I can’t check back against it. Aff theory comes before neg K and substance, because it indicts their method, and you reward their abuse because I don’t have time to win both theory and other areas of debate. A] 1AR theory is DTD because my 4 minute 1AR is too short to win both theory and other layers. They must also be punished to deter future abuse. B] No RVI on 1AR theory, they get a 6-3 time skew. Evaluate theory debate after 1AR to solve the 2-1 skew, and ensure we both get 1 speech for theory, key to reciprocity. C] No 2NR theory, otherwise I have 3 minutes to deal with six minutes of theory. No 2NR arguments, means we have 7-7 rebuttal time. D] Competing-interps on aff theory because it is key to set good norms and reasonability is arbitrary because they get to set their own brightline.**

**3] Ks must have topical links, to clarify their links must justify that democracies ought not implement cv –a) reciprocity- the aff only defends the resolution and critiquing something other than the topical rez is not reciprocal since I cant critique anything about your method in the 1ar b) logic – it doesn’t negate otherwise; if I say “you ought to go to the doctor” declaring “you ought to eat ice cream” does not sufficiently negate the former. Even mutual exclusive alternative actions just demonstrate there are a nearly infinite number of things we could do instead but does not deny the validity of the AC statement, so K alts don’t functionally negate even with their framing mechanism. Evaluate the debate after the 1AC - k2 check infinite abuse since otherwise the 1N will always crush me because of the 7-4 skew.**

**5] the role of the ballot is to determine whether the resolution is a true or false statement – Constitutivism: The ballot asks you to either vote aff or neg based on the given resolution a) Five dictionaries[[1]](#footnote-1) define to negate as to deny the truth of and affirm[[2]](#footnote-2) as to prove true which means its intrinsic to the nature of the activity B]anything else moots 6 minutes of the AC and exacerbates the fact that they get a reactivity advantage since I should be able to compensate by choosing – their framing collapses since you must say it is true that a world is better than another before you adopt it. I assert the resolution as valid and confirmed.**

**7] neg a priori’s affirm – denying the assumptions of a statement proves it valid – the aff is a set of conditionals since the offense being true relies on the framework b) denying this proves it’s validity since it’s a condition in of itself which means answers proves the conclusion that I should get the ballot. The word resolved in rez means it has already passed- means you can vote aff because the aff is done**

**8] The neg may not read theory against theory arguments in the AC since a) this moots AC offense because they can read theory on my theory arguments in the aff which ensures that I won’t be able to leverage any theory offense in the 1AR from the AC, giving them a huge time advantage, b) it leads to contradictions since the neg can just read theory against this arg, but this indicts those shells, so there’s no way to determine which comes first. But, prefer this shell because the neg has the ability to adapt in the NC and it comes lexically prior.**

## Accessible Formatting

Any non-universalizable norm justifies someone’s ability to impede on your ends which also means universalizability acts as a side constraint on ends-based frameworks.

Siyar 99

when I represent my end I represent it as binding me to certain courses of action Thus, my ends determine what I can do in representing an end, I demand recognition for it from other subjects: since the end functions as an objective for me, I cannot be indifferent Hence, if I am committed to realizing my end, I must demand that the worth of my end, be recognized by others.

Means-based ethics are key to ethical decision-making – other frameworks fail.

Anderson

util is end justifies the means a ethical foundation is lost then Hitler could justify the Holocaust because the end was to purify the human race. The means must be judged by some consistent standard util cannot protect minorities Americans in the eighteenth century could justify slavery it provided a good consequence for a majority of Americans

Patents attempt to assert ownership over nature and impede individuals’ abilities to pursue their own ends

Long 95

A patent is, a claim over a law of nature. it is nature that copper in this configuration makes a battery I've patented my device Thus, you can't construct without my property you are not permitted to use your own knowledge to further your ends two people come up with the same invention patent law will grant exclusive rights to the inventor who reaches the office first

The categorical imperative rejects the idea of intellectual property as it suppresses freedom by preventing others from innovating and suppressing speech in the name of a copyright.

Pievatolo 10

to Kant, the rightful possession should be distinguished from sensible possession The rightful possession is an intelligible relation my bicycle is mine if I am entitled to require that nobody takes it when I leave it alone Property is a convention that allows us to avoid quarrel over material objects. Kant does not enter intellectual property Liberty of speech an important part of the innate right of freedom It cannot be suppressed without suppressing freedom easy to mix copyright protection censorship Kant binds speeches to the persons and limits the scope of copyright to publishing . If someone copies for his personal use or lets others do it or translates there is no copyright violation it is not involved any intrinsic property right but only the exercise of the innate right of freedom

1. <http://dictionary.reference.com/browse/negate>, <http://www.merriam-webster.com/dictionary/negate>, <http://www.thefreedictionary.com/negate>, <http://www.vocabulary.com/dictionary/negate>, <http://www.oxforddictionaries.com/definition/english/negate> [↑](#footnote-ref-1)
2. *Dictionary.com – maintain as true, Merriam Webster – to say that something is true, Vocabulary.com – to affirm something is to confirm that it is true, Oxford dictionaries – accept the validity of, Thefreedictionary – assert to be true* [↑](#footnote-ref-2)