# 1NC

## 1

### OFF

#### Interpretation – the affirmative must specify the metaethic of their ethical theory/framework in the delineated text of the 1AC

#### Violation – they don’t

#### [1] Resolvability – Metaethics is a key question when debating moral obligation – it explores questions that a simple “the standard is” can’t solve for – that’s also a reason to vote negative on substance because it’s a reason I couldn’t truth test it

Sayre-Mccord 12 [Sayre-Mccord, Geoff, 1-23-2007 substantive revision Thu Jan 26, 2012, "Metaethics (Stanford Encyclopedia of Philosophy)," No Publication, [https://plato.stanford.edu/entries/metaethics //](https://plato.stanford.edu/entries/metaethics%20//) LEX JB]

**Metaethics** is the attempt to **understand** the **metaphysical**, epistemological, semantic, and psychological, **presuppositions** and commitments **of moral thought**, talk, and practice. As such, **it** **counts within** its domain **a** broad **range of questions** and puzzles, **including: Is morality more a matter of taste than truth? Are moral standards culturally relative? Are there moral facts? If there are moral facts, what is their origin? How is it that they set an appropriate standard for our behavior? How might moral facts be related to other facts (about psychology, happiness, human conventions…)? And how do we learn about the moral facts, if there are any?** These questions lead naturally to puzzles about the meaning of moral claims as well as about moral truth and the justification of our moral commitments. **Metaethics explores** as well the **connection between values, reasons for action, and human motivation, asking how it is that moral standards might provide us with reasons to do or refrain from doing as it demands, and it addresses many of the issues commonly bound up with the nature of freedom and its significance (or not) for moral responsibility**.[[1](https://plato.stanford.edu/entries/metaethics/notes.html" \l "1)] The range of issues, puzzles and **questions** that fall **within metaethics’** purview **are consistently abstract. They** reflect the fact that metaethics **involve**s an attempt to step back from **particular substantive debates within morality to ask about the views, assumptions, and commitments that are shared by those who engage in the debate**. By and large, the **metaethical issues that emerge as a result of this** process of stepping back **can be addressed without taking a** particular **stand** on **substantive moral issues** that started the process. In fact, **metaethics** has seemed to many to **offer a crucial neutral background against** which **competing moral views need to be seen if they are to be assessed properly**. Some metaethicists early in the twentieth century went so far as to hold that their own work made no substantive moral assumptions at all and had no practical implications.[[2](https://plato.stanford.edu/entries/metaethics/notes.html" \l "2)] Whether any view that is recognizably still a view about the nature and status of ethics could manage this is dubious. **But there is no doubt that, whatever metaethics's substantive assumptions and practical implications might be, it involves reflecting on the presuppositions and commitments of those engaging in moral thought, talk, and practice and so abstracting away from particular moral judgments.**

#### [2] Extinction – the question and discussion of metaethics is key to solve collapse and extinction of the galaxy, discussion is key – we have at best 40 more years and it won’t wait for us to have sloppy phil debates

**Muehlhauser 11** [Muehlhauser, Luke (Executive director at the Singularity Institute). “The Urgent Meta-Ethics of Friendly Artificial Intelligence.” LessWrong. 01 February 2011. http://lesswrong.com/lw/43v/the\_urgent\_metaethics\_of\_friendly\_artificial]

**Barring a major collapse of human civilization (due to nuclear war, asteroid impact, etc.), many experts expect the intelligence explosion Singularity to occur within 50-200 years. That** fact **means** that many **philosophical problems, about which philosophers have argued for millennia, are suddenly very urgent**. Those concerned with **the fate of the galaxy must say to the philosophers: "Too slow! Stop screwing around with transcendental ethics and qualitative epistemologies! Start thinking with the precision of an AI researcher and solve these problems!" If** a near-future **AI will determine the fate of the galaxy, we need to figure out what values we ought to give it. Should it ensure animal welfare? Is growing the human population a good thing? But those are questions of applied ethics. More fundamental are the questions about which normative ethics to give the AI: How would the AI decide if animal welfare or large human populations were good? What rulebook should it use to answer novel moral questions that arise in the future? But even more fundamental are the questions of meta-ethics. What do moral terms mean? Do moral facts exist? What justifies one normative rulebook over the other? The answers to these meta-ethical questions will determine the answers to the questions of normative ethics, which, if we are successful in planning the intelligence explosion, will determine the fate of the galaxy**. Eliezer Yudkowsky has put forward one meta-ethical theory, which informs his plan for Friendly AI: Coherent Extrapolated Volition. But **what if that meta-ethical theory is wrong? The galaxy is at stake**. Princeton **philosopher** Richard **Chappell worries** about how Eliezer's **meta-ethical theory depends on rigid designation**, which in this context may amount to something like a semantic "trick." Previously and independently, an Oxford philosopher expressed the same worry to me in private. Eliezer's theory also employs something like the method of reflective equilibrium, about which there are many grave concerns from Eliezer's fellow naturalists, including Richard Brandt, Richard Hare, Robert Cummins, Stephen Stich, and others. My point is not to beat up on Eliezer's meta-ethical views. I don't even know if they're wrong. Eliezer is wickedly smart. He is highly trained in the skills of overcoming biases and properly proportioning beliefs to the evidence. He thinks with the precision of an AI researcher. In my opinion, that gives him large advantages over most philosophers. **When Eliezer states and defends a particular view, I take that as significant Bayesian evidence for reforming my beliefs**. Rather, my point is that **we need lots of smart people working on these meta-ethical questions. We need to solve these problems, and quickly. The universe will not wait for the pace of traditional philosophy to catch up.**

#### Reject uncarded responses – study of quantum physics requires evidence from smart scholars

#### [3] Phil debate – two internal links – a) frameworks fail to provide an ought statement if they don’t explore the natural state of agents or the actor in the resolution – independent voter because we can’t correctly discuss the moral worth of an action b) I can’t ask questions about it in 1AC CX which kills access to novices trying to learn – outweighs on inclusion

#### [4] Strat skew – two internal links a) absent specification the NC loses access to framework k’s, metaethic debate, metahijacks, hijacks etc. for example, a metaethic can be used to frame out a kritik, but the NC loses access to this and the 1AR can shift into one that’s reactive b) even if I specify my own in the 1NC, I can’t contest yours until the 2NR which means you moot 7 minutes of the 1NC and this cause latebreaking framing debates, and the metaethic debate is skewed 7-6 favoring aff

#### [5] Engagement – specifying in the 1AC means we can have more engagement about the phil

## 2

### OFF

#### Interpretation – Reduce means current---not preventing future action. The 1AC must defend an immediate action

Naporn Popattanachai 18. This thesis submitted in partial fulfilment of the requirement of Nottingham Trent University for the degree of Doctor of Philosophy in Law. “Regional Cooperation Addressing Marine Pollution from Land-Based Activities: an Interpretation of Article 207 of The Law OF THE SEA CONVENTION FOCUSING on Monitoring, Assessement, and Surveillance of the Pollution” http://irep.ntu.ac.uk/id/eprint/33374/1/Naporn%20Popattanachai%202018.pdf

For the second question, the provision demonstrates that the goal of adoption of such laws and regulations must be to ‘prevent, reduce, and control’ MPLA. In so doing, the LOSC obliges States to ‘taking into account internationally agreed rules, standards, and recommended practices and procedures’.480 Having considered the ordinary meanings of the term ‘prevent, reduce, and control’, ‘prevent’ means ‘to stop something from happening or someone from doing something.’481 The word ‘reduce’ means ‘to make something smaller in size, amount, degree, importance etc.’482 and the word ‘control’ means ‘to order, limit, or rule something or someone's actions or behaviour.’ 483 From the meanings, the term ‘prevent’ suggests an action to **stop the future occurrence** of something, whereas the terms ‘reduce’ and ‘control’, noting their difference, point to an action dealing with something that **has already happened** and **continues** to occur, but needs to be made smaller, limited or regulated. Also, control also applies to future pollution in the sense that it limits the future pollution to be created or emitted not to exceed the specified level. Therefore, the preliminary reading of these terms suggests that laws and regulations adopted to deal with MPLA must yield the result that conforms with these terms. In so doing, the adoption of laws and regulations to prevent, reduce, and control MPLA can be done by legislating primary or secondary regulations with the use of various legal techniques and procedures and are underpinned by some rules and principles of international law discussed in the previous chapter. These legal techniques and procedures can be used to achieve the prevention, reduction and control of MPLA depending on the design and use of them. Noting that the measures outlined below are not exhaustive and not exclusively limited to implement any specific obligation, these are typical legal techniques and procedures used to prevent, reduce, and control pollution and therefore protect the environment. They can be categorised into two groups, that is, (1) substantive and (2) procedural legal techniques and measures. They can be discussed hereunder.

#### Violation: their plan text says delay

#### Vote negative for textuality – the actors in the resolution are members of the WTO and evidence from court operates within the WTO’s jurisdiction.

#### [1] Predictability – the resolution is the stasis point for contestation, anything else would be unpredictable and an unfair prep burden for the negative. Their counterinterp will justify jettisoning any possible aspect of the topic which explodes predictable limits for prep

#### [2] Topic education – only our interpretation allows for the most nuanced clash pertaining to what parameters in which the actors in the resolution act. Anything else doesn’t actually talk about the topic because it’s not what the actors are allowed to fiat.

## 3

### Framework

#### The meta-ethic is procedural moral realism - substantive realism holds that moral truths exist independently of that in the empirical world. Prefer –

#### [1] Uncertainty – our experiences are inaccessible to others which allows people to say they don’t experience the same, however a priori principles are universally applied to all agents which makes it action guiding

#### [2] Naturalistic fallacy – experience only tells us what is since we can only perceive what is, not what ought to be, this means experience may be generally useful but should not be the basis for ethical action.

#### Practical Reason is that procedure. To ask for why we should be reasoners concedes its authority since it uses reason – anything else is nonbinding and arbitrary which is the problem of regress. Aggregation is nonsensical since a] it impedes on one persons ends for another and b] assumes everyone values the same thing.

#### Moral law must be universal—our judgements can’t only apply to ourselves any more than 2+2=4 can be true only for me – any non-universalizable norm justifies someone’s ability to impede on your ends.

Korsgaard ’83 (Christine M., “Two Distinctions in Goodness,” The Philosophical Review Vol. 92, No. 2 (Apr., 1983), pp. 169-195, JSTOR) // LEX JB [brackets for gendered language]

The argument shows how Kant's idea of justification works. It can be read as a kind of regress upon the conditions, starting from an important assumption. The assumption is that **when a rational being makes a choice or undertakes an action, [they] supposes the object to be good, and its pursuit to be justified**. At least, if there is a categorical imperative there must be objectively good ends, for then there are necessary actions and so necessary ends (G 45-46/427-428 and Doctrine of Virtue 43-44/384-385). **In order for there to be any objectively good ends, however, there must be something that is unconditionally good and so can serve as a sufficient condition of their goodness**. Kant considers what this might be**: it cannot be an object of inclination**, for those have only a conditional worth, "**for if the inclinations and the needs founded on them did not exist, their object would be without worth**" (G 46/428). It cannot be the inclinations themselves because a rational being would rather be free from them. Nor can it be external things, which serve only as means. So, Kant asserts, **the unconditionally valuable thing must be "humanity"** or "rational nature," which he defines as "the power set to an end" (G 56/437 and DV 51/392). Kant explains that **regarding your existence as a rational being as an end in itself is a "subjective principle of human action."** By this I understand him to mean that **we must regard ourselves as capable of** conferring **value upon the objects of our choice, the ends that we set, because we must regard our ends as good**. But since "every other rational being thinks of his existence by the same rational ground which holds also for myself' (G 47/429), **we must regard others as capable of conferring value by reason of their rational choices and so also as ends in themselves**. Treating another as an end in itself thus involves making that person's ends as far as possible your own (G 49/430). The ends that are chosen by any rational being, possessed of the humanity or rational nature that is fully realized in a good will, take on the status of objective goods. They are not intrinsically valuable, but they are objectively valuable in the sense that every rational being has a reason to promote or realize t hem. For this reason it is our duty to promote the happiness of others-the ends that they choose-and, in general, to make the highest good our end.

**The standard is consistency with the categorical imperative. To clarify, consequences don’t link to the framework.**

#### Prefer additionally –

#### [1] Kantianism is the best explanatory theory for oppression through abstracting through ethical egoism.

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

**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 embeddedness 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 empiri- cal 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**.16 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 individ- ual 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. … Whereas most criticisms are aimed at the formulation of universal law and the formula of autonomy, our analysis here will focus on the formula of an end in itself and the formula of the kingdom of ends, since we have already addressed the problem of universality. The latter will be discussed ﬁrst. At issue here is what Kant means by “kingdom of ends.” Kant writes: “By ‘kingdom’ I understand a systematic union of different rational beings through common laws.”32 The above passage indicates that Kant recognizes different, perhaps different kinds, of rational beings; however, the problem for most critics of Kant lies in the assumption that Kant suggests that the “kingdom of ends” requires that we abstract from personal differences and content of private ends. The Kantian conception of rational beings requires such an abstraction. Some feminists and philosophers of race have found this abstract notion of rational beings problematic because they take it to mean that rationality is necessarily white, male, and European.33 Hence, the systematic union of rational beings can mean only the systematic union of white, European males. I ﬁnd this interpretation of Kant’s moral theory quite puzzling. Surely another interpretation is available. That is, the implication that in Kant’s philosophy, rationality can only apply to white, European males does not seem to be the only alternative. The problem seems to lie in the requirement of abstraction. There are two ways of looking at the abstraction requirement that I think are faithful to Kant’s text and that overcome the criticisms of this requirement. **First, the abstraction requirement may be best understood as a demand for intersubjectivity or recognition. Second, it may be understood as an attempt to avoid ethical egoism in determining maxims for our actions.** It is unfortunate that Kant never worked out a theory of intersubjectivity, as did his successors Fichte and Hegel. However, this is not to say that there is not in Kant’s philosophy a tacit theory of intersubjectivity or recognition. The abstraction requirement simply demands that in the midst of our concrete differences we recognize ourselves in the other and the other in ourselves. That is, we recognize in others the humanity that we have in common. Recognition of our common humanity is at the same time recognition of rationality in the other. We recognize in the other the capacity for selfdetermination and the capacity to legislate for a kingdom of ends. This brings us to the second interpretation of the abstraction requirement. **To avoid ethical egoism one must abstract from (think beyond) one’s own personal interest and subjective maxims. That is, the categorical imperative requires that I recognize that I am a member of the realm of rational beings.** Hence, I organize my maxims in consideration of other rational beings. Under such a principle other people cannot be treated merely as a means for my end but must be treated as ends in themselves. **The merit of the categorical imperative for a philosophy of race is that it contravenes racist ideology to the extent that racist ideology is based on the use of persons of a different race as a means to an end rather than as ends in themselves.** Embedded in the formulation of an end in itself and the formula of the kingdom of ends is the recognition of the common hope for humanity. That is, maxims ought to be chosen on the basis of an ideal, a hope for the amelioration of humanity. This ideal or ethical commonwealth (as Kant calls it in the Religion) is the kingdom of ends.34 Although the merits of Kant’s moral theory may be recognizable at this point, we are still in a bit of a bind. It still seems problematic that the moral theory of a racist is essentially an antiracist theory. Further, what shall we do with Henry Louis Gates’s suggestion that we use the Observations on the Feeling of the Beautiful and Sublime to deconstruct the Grounding? What I have tried to suggest is that instead of abandoning the categorical imperative we should attempt to deepen our understanding of it and its place in Kant’s critical philosophy. A deeper reading of the Grounding and Kant’s philosophy in general may produce the deconstruction35 suggested by Gates. However, a text is not necessarily deconstructed by reading it against another. Texts often deconstruct themselves if read properly. To be sure, the best way to understand a text is to read it in context. Hence, if the Grounding is read within the context of the critical philosophy, the tools for a deconstruction of the text are provided by its context and the tensions within the text. Gates is right to suggest that the Grounding must be deconstructed. However, this deconstruction requires much more than reading the Observations on the Feeling of the Beautiful and Sublime against the Grounding. It requires a complete engagement with the critical philosophy. Such an engagement discloses some of Kant’s very signiﬁcant claims about humanity and the practical role of reason. With this disclosure, deconstruction of the Grounding can begin. **What deconstruction will reveal is not necessarily the inconsistency of Kant’s moral philosophy or the racist or sexist nature of the categorical imperative, but rather, it will disclose the disunity between Kant’s theory and his own feelings about blacks and women. Although the theory is consistent and emancipatory and should apply to all persons, Kant the man has his own personal and moral problems. Although Kant’s attitude toward people of African descent was deplorable, it would be equally deplorable to reject the categorical imperative without ﬁrst exploring its emancipatory potential.**

#### [2] The state is obligated to prioritize freedom

Otteson 09 [(James R., professor of philosophy and economics at Yeshiva University) “Kantian Individualism and Political Libertarianism,” The Independent Review, v. 13, n. 3, Winter, [2009](https://link.springer.com/article/10.1007/s10790-015-9506-9)] TDI Recut Lex VM

It is difficult to imagine a stronger defense of the “sacred” dignity of individual agency. Kantian individuality is premised on its rational nature and its entailed inherent dignity, and the rest of his moral philosophy arguably is built on this vision.1 Kant relies on a similarly robust conception of individuality in work other than his explicitly moral philosophy. The 1784 essay “An Answer to the Question: ‘What Is Enlightenment?’” (Kant 1991), for example, emphasizes in strong terms the threat that paternalism poses to one’s will. Kant argues that “enlightenment” (Aufklärung) involves a transition from moral and intellectual immaturity, wherein one depends on others to make one’s moral and intellectual decisions, to maturity, wherein one makes such decisions for oneself. One cannot effect this transition if one remains under another’s tutelage, and, as a corollary, one compromises another’s enlightenment if one undertakes to make such decisions for the other person—which, as Kant argues, is the case under a paternalistic government. Kant also writes in his 1786 essay “What Is Orientation in Thinking?” that “To think for oneself means to look within oneself (i.e. in one’s own reason) for the supreme touchstone of truth; and the maxim of thinking for oneself at all times is enlightenment” (1991, 249, italics and bold in the original). These passages are consistent with the position he takes in Grounding that a person who depends on others is acting heteronomously, not autonomously, and is to that extent not exercising a free moral will. These passages also help to clarify Kant’s notion of personhood and rational agency by indicating some of their practical implications. For example, on the basis of his argument, one would expect him to argue for setting severe limits on the authority that any group of people, including the state, may exercise over others: because individual freedom is necessary both to achieve enlightenment and to exercise one’s moral agency, Kant should argue that no group may impinge on that freedom without thereby acting immorally. Kant expressly draws this conclusion in his 1793 essay “On the Common Saying: ‘This May Be True in Theory, but It Does Not Apply in Practice’”: Right is the restriction of each individual’s freedom so that it harmonises with the freedom of everyone else (in so far as this is possible within the terms of a general law). And public right is the distinctive quality of the external laws which make this constant harmony possible. Since every restriction of freedom through the arbitrary will of another party is termed coercion, it follows that a civil constitution is a relationship among free men who are subject to coercive laws, while they retain their freedom within the general union with their fellows. (1991, 73, emphasis in original) Kant insists on the protection of a sphere of liberty for each individual to self-legislate under universalizable laws of rationality, consistent with the formulation of the categorical imperative requiring the treatment of others “always at the same time as an end and never simply as a means” (1981, 36). This formulation of the categorical imperative might even logically entail the position Kant articulates about “right,” “public right,” and “freedom.” Persons do not lose their personhood when they join a civil community, so they cannot rationally endorse a state that will be destructive of that personhood; on the contrary, according to Kant, a person enters civil society rationally willing that the society will protect both his own agency and that of others. Robert B. Pippen rightly says that for Kant “political duties are a subset of moral duties” (1985, 107–42), but the argument here puts it slightly differently: political rights, or “dignities,” derive from moral rights, which for Kant are determined by one’s moral agency. Thus, the only “coercive laws” to which individuals may rationally allow themselves to be subject in civil society are those that require respect for each others’ moral agency (and provide for the punishment of infractions thereof) (see Pippen 1985, 121). When Kant comes to state his own moral justification for the state in the 1797 Metaphysics of Morals, this claim is exactly the one he makes: the state is necessary for securing the conditions of “Right”—in other words, the conditions under which persons can exercise their autonomous agency (see 1991, 132–35). Consistent with this interpretation, Kant elsewhere endorses free trade and open markets on grounds that make his concern for “harmony” in the preceding passage reminiscent of Adam Smithian invisible-hand arguments. In his 1784 essay “Idea for a Universal History with a Cosmopolitan Purpose,” Kant writes: “Individual men and even entire nations little imagine that, while they are pursuing their own ends, each in his own way and often in opposition to others, they are unwittingly guided in their advance along a course intended by nature. They are unconsciously promoting an end which, even if they knew what it was, would scarcely arouse their interest” (1991, 41). This statement is similar to Smith’s statement of the invisible-hand argument.2 Kant proceeds to endorse some of the same laissez-faire economic policies that Smith advocated—for example, in his discussion in his 1786 work “Conjectures on the Beginning of Human History” of the benefits of “mutual exchange” and in his claim that “there can be no wealth-producing activity without freedom” (1991, 230–31, emphasis in original), as well as in his claim in the 1795 Perpetual Peace that “the spirit of commerce” is motivated by people’s “mutual self-interest” and thus “cannot exist side by side with war” (1991, 114, emphasis in original).3 Finally, although Kant argues that we cannot know exactly what direction human progress will take, he believes we can nevertheless be confident that mankind is progressing.4 Thus, in “Universal History” he writes: The highest purpose of nature—i.e. the development of all natural capacities—can be fulfilled for mankind only in society, and nature intends that man should accomplish this, and indeed all his appointed ends, by his own efforts. This purpose can be fulfilled only in a society which has not only the greatest freedom, and therefore a continual antagonism among its members, but also the most precise specification and preservation of the limits of this freedom in order that it can co-exist with the freedom of others. The highest task which nature has set for mankind must therefore be that of establishing a society in which freedom under external laws would be combined to the greatest possible extent with irresistible force, in other words of establishing a perfectly just civil constitution. (1991, 45–46, emphasis in original) Kant’s argument in this essay runs as follows: human progress is possible, but only in conditions of a civil society whose design allows this progress; because the progress is possible only as individuals become enlightened, and individual enlightenment is in turn possible only when individuals are free from improper coercion and paternalism, human progress is therefore possible only under a state that defends individual freedom. Kant believes that individuals have the best chance to be happy under a limited civil government, and he therefore argues that even such a laudable goal as increasing human happiness is not a justifiable role of the state: “But the whole concept of an external right is derived entirely from the concept of freedom in the mutual external relationships of human beings, and has nothing to do with the end which all men have by nature (i.e. the aim of achieving happiness) or with the recognized means of attaining this end. And thus the latter end must on no account interfere as a determinant with the laws governing external right” (“Theory and Practice,” 1991, 73, emphasis in original). The Kantian state is hence limited on the principled grounds of respecting agency; the fact that this limitation in his view provides the conditions enabling enlightenment, progress, and ultimately happiness is a great but ancillary benefit. Thus, the positions Kant takes on nonpolitical issues would seem to suggest a libertarian political position. And Kant explicitly avows such a state. In “Universal History,” he writes: Furthermore, civil freedom can no longer be so easily infringed without disadvantage to all trades and industries, and especially to commerce, in the event of which the state’s power in its external relations will also decline. . . . If the citizen is deterred from seeking his personal welfare in any way he chooses which is consistent with the freedom of others, the vitality of business in general and hence also the strength of the whole are held in check. For this reason, restrictions placed upon personal activities are increasingly relaxed, and general freedom of religion is granted. And thus, although folly and caprice creep in at times, enlightenment gradually arises. (1991, 50–51, emphasis in original) In “Theory and Practice,” Kant writes that “the public welfare which demands first consideration lies precisely in that legal constitution which guarantees everyone his freedom within the law, so that each remains free to seek his happiness in whatever way he thinks best, so long as he does not violate the lawful freedom and rights of his fellow subjects at large” and that “[n]o-one can compel me to be happy in accordance with his conception of the welfare of others, for each may seek his happiness in whatever way he sees fit, so long as he does not infringe upon the freedom of others to pursue a similar end which can be reconciled with the freedom of everyone else within a workable general law” (1991, 80, emphasis in original, and 74). In a crucial passage in Metaphysics of Morals, Kant writes that the “Universal Principle of Right” is “‘[e]very action which by itself or by its maxim enables the freedom of each individual’s will to co-exist with the freedom of everyone else in accordance with a universal law is right.’” He concludes, “Thus the universal law of right is as follows: let your external actions be such that the free application of your will can co-exist with the freedom of everyone in accordance with a universal law” (1991, 133, emphasis in original).5 This stipulation becomes for Kant the grounding justification for the existence of a state, its raison d’être, and the reason we leave the state of nature is to secure this sphere of maximum freedom compatible with the same freedom of all others. Because this freedom must be complete, in the sense of being as full as possible given the existence of other persons who demand similar freedom, it entails that the state may—indeed, must—secure this condition of freedom, but undertake to do nothing else because any other state activities would compromise the very autonomy the state seeks to defend. Kant’s position thus outlines and implies a political philosophy that is broadly libertarian; that is, it endorses a state constructed with the sole aim of protecting its citizens against invasions of their liberty. For Kant, individuals create a state to protect their moral agency, and in doing so they consent to coercion only insofar as it is required to prevent themselves or others from impinging on their own or others’ agency. In his argument, individuals cannot rationally consent to a state that instructs them in morals, coerces virtuous behavior, commands them to trade or not, directs their pursuit of happiness, or forcibly requires them to provide for their own or others’ pursuits of happiness. And except in cases of punishment for wrongdoing,6 this severe limitation on the scope of the state’s authority must always be respected: “The rights of man must be held sacred, however great a sacrifice the ruling power may have to make. There can be no half measures here; it is no use devising hybrid solutions such as a pragmatically conditioned right halfway between right and utility. For all politics must bend the knee before right, although politics may hope in return to arrive, however slowly, at a stage of lasting brilliance” (Perpetual Peace, 1991, 125). The implication is that a Kantian state protects against invasions of freedom and does nothing else; in the absence of invasions or threats of invasions, it is inactive.

#### [3] Performativity – freedom is the key to the process of justification of arguments. Willing that we should abide by their ethical theory presupposes that we own ourselves in the first place. Thus, it is logically incoherent to justify the aff standard without first willing that we can pursue ends free from others.

#### [4] Accessibility – Analytical philosophy means anyone can generate offense under the framework with analytics without evidence – util disproportionately favors evidence-based debate which is what big schools with coaching staffs have which kills small school engagement

### Offense

#### [1] Intellectual property is part of our metaphysical construction that preserves agency – anything else robs us of innate property

Pozzo 06 [Riccardo Pozzo, Immanuel Kant sobre propriedade intelectual. Trans/Form/Ação, (São Paulo), v.29(2), 2006, p.11-18, <https://www.scielo.br/j/trans/a/rLfb3yPN3p4KPsYpxp8LQCp/?format=pdf&lang=en> // JB]

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** his **work confers** him a **moral right that is indeed a personal right. It is** also a **right to exploit** economically 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).

#### Means the state can’t remove protections.

Zeidman et al. 2 [Bob Zeidman &amp; Eashan Gupta, "Why Libertarians Should Support a Strong Patent System", IPWatchdog, 1-5-2016, https://www.ipwatchdog.com/2016/01/05/why-libertarians-should-support-a-strong-patent-system/id=64438/, accessed: 8-9-2021.] //Lex VM

Libertarians believe in property rights and government protection of those rights as one of the few necessary requirements of government. Ownership of property and free markets leads to competitive production and trade of goods, which in turn leads to prosperity for all of society. Intellectual property is property like other forms of property, and so government must protect IP as it protects other forms of property because it too leads to competition and trade and prosperity. Libertarians should encourage a strong patent system and object to any “reforms” that limit intellectual property ownership or introduce more government regulation than is required.

#### 2] Reducing protections of IP leads to theft and the free riding of ideas which is nonuniversalizable

Van Dyke 18 [Raymond Van Dyke, Technology and Intellectual Property Attorney and Patent Practitioner, 7-17-2018, accessed on 8-8-2021, IPWatchdog, "The Categorical Imperative for Innovation and Patenting", https://www.ipwatchdog.com/2018/07/17/categorical-imperative-innovation-patenting/id=99178/] //D.Ying recut Lex VM

As we shall see, applying Kantian logic entails first acknowledging some basic principles; that the people have a right to express themselves, that that expression (the fruits of their labor) has value and is theirs (unless consent is given otherwise), and that government is obligated to protect people and their property. Thus, an inventor or creator has a right in their own creation, which cannot be taken from them without their consent. So, employing this canon, a proposed Categorical Imperative (CI) is the following Statement: creators should be protected against the unlawful taking of their creation by others. Applying this Statement to everyone, i.e., does the Statement hold water if everyone does this, leads to a yes determination. Whether a child, a book or a prototype, creations of all sorts should be protected, and this CI stands. This result also dovetails with the purpose of government: to protect the people and their possessions by providing laws to that effect, whether for the protection of tangible or intangible things. However, a contrary proposal can be postulated: everyone should be able to use the creations of another without charge. Can this Statement rise to the level of a CI? This proposal, upon analysis would also lead to chaos. Hollywood, for example, unable to protect their films, television shows or any content, would either be out of business or have robust encryption and other trade secret protections, which would seriously undermine content distribution and consumer enjoyment. Likewise, inventors, unable to license or sell their innovations or make any money to cover R&D, would not bother to invent or also resort to strong trade secret. Why even create? This approach thus undermines and greatly hinders the distribution of ideas in a free society, which is contrary to the paradigm of the U.S. patent and copyright systems, which promotes dissemination. By allowing freeriding, innovation and creativity would be thwarted (or at least not encouraged) and trade secret protection would become the mainstay for society with the heightened distrust. Also, allowing the free taking of ideas, content and valuable data, i.e., the fruits of individual intellectual endeavor, would disrupt capitalism in a radical way. The resulting more secretive approach in support of the above free-riding Statement would be akin to a Communist environment where the State owned everything and the citizen owned nothing, i.e., the people “consented” to this. It is, accordingly, manifestly clear that no reasonable and supportable Categorical Imperative can be made for the unwarranted theft of property, whether tangible or intangible, apart from legitimate exigencies. On the positive front, there is a Categorical Imperative that creators should be encouraged to create, which is imminently reasonable and supportable. Likewise, the statement set forth in the Constitution that Congress should pass laws “To promote the Progress of Science and useful Arts, by securing for limited Times to Authors and Inventors the exclusive Right to their respective Writings and Discoveries” is supportive, as a Categorical Imperative, for the many reasons elucidated two centuries ago by Madison and others, and endorsed by George Washington, Thomas Jefferson, and later by Abraham Lincoln. A Categorical Imperative, universality, however, may be a stretch outside of the United States since other cultures may not treasure the progress of science and the useful arts and freedoms that we Americans do. Nonetheless, it is certainly a supportable proposition in the United States, and even a Categorical Imperative that we must do it!

#### 3] No aff solvency for turns – the aff reduces protections rather than eliminating them which still allows for freedom violations – Presume neg. Also, neg contention choice – otherwise they can concede all our work on framework and moot half my speechtime and sidestep all phil clash in the round

## 4

### OFF

#### Interp: Debaters must disclose round reports on the 2020-2021 NDCA LD wiki for every round they have debated this season. Round reports disclose which positions (AC, NC, K, T, Theory, etc.) were read/gone for in every speech.

#### Standards: Violation – they only have 5 rounds for Loyola and 1 round for grapevine

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#### 1] Level Playing Field – big schools can go around and collect flows but independents are left in the dark so round reports are key for them to prep- they give you an idea of overall what layers debaters like going for so you can best prepare your strategy against them. Accessibility first and independent voter – it's an impact multiplier.

#### 2] Strategy Education – round reports help novices understand the context in which positions are read by good debaters and help with brainstorming potential 1NCs vs affs – helps compensate for kids who can't afford coaches to prep out affs.

#### 3] Pre-round prep –1ARs gives especially give an idea of what type of debater someone is – they could go for 1AR theory every round– otherwise I enter every round unknowing whereas you have an idea of what you want to go for from the start – key to good clash

#### [1] DTD on disclosure – a) disclosure cannot be drop the argument because it would just drop you because you’re the norm b) deterrence

#### [2] Reject all responses to disclosure – they selectively comply with our norm because they disclose some docs that meet our criteria which proves we can’t verify what norms they actually agree with.

#### [3] No RVI – a) prevents people from checking back for bad disclosure – means we never get better wikis because they’re afraid to lose off the RVI b) they know that people will read disclosure on them so they prep a counterinterp just to win off the RVI – leads to infinitely abusive norms

#### [4] CI – 1] reasonability is arbitrary – impossible to know what is reasonable until you establish a brightline 2] bites judge intervention cuz they have to gut check what they think is good 3] reasonability collapses cuz u use offense defense to evaluate offense under the BL 4] norms – you can sidestep norms by selectively choosing a different brightline you meet every round. [5] it’s a footnoting DA because even if the norm is comparatively better we don’t experience the norming potential – norming is the constitutive purpose of theory [6] reasonability is a voting issue – allows people to be abusive and then outspread on a reasonability block which kills fairness

#### [5] Disclosure outweighs – it’s key to assessing the honesty of the form of your argumentation and how you presented arguments which means it precludes 1nc claims.

#### [6] Fairness is a voter because debate is a game governed by rules and you can’t tell who actually won if the layer was skewed.

## Case

### Adv