## Syllogism

### FW

#### First, ethics are split between the deontic and aretaic. Deontic theories answer what agents should do according to a moral code, while aretaic theories answer what kind of agent people should be to make the right decisions.

**Gryz, 1** (Jarek Gryz, Professor in the department of Electrical Engineering and Computer Science at York University, Research Faculty Fellow at Center for Advanced Studies., 12-15-2010, accessed on 8-21-2021, Springer, "On the Relationship Between the Aretaic and the Deontic", DOI 10.1007/s10677-010-9258-3)//st

There are two fundamental classes of terms traditionally distinguished within moral vocabulary: the deontic and the aretaic. The terms from the first set serve in the prescriptive function of a moral code. This function consists in providing answers to questions like: What am I (morally) required to do? Answers to such questions usually have the grammatical form of an imperative and are called “prescriptions”, “moral norms”, “rules”, “precepts”, or “commands”. They are expressed by means of such terms as: ‘right’, ‘obligation’, ‘duty’, etc. The second class contains terms used for a moral evaluation of an action (or an actor). Such moral evaluation is not primarily intended to direct actions, although it seems capable of performing this function as well. Terms used for evaluations include: ‘good’, ‘bad’, ‘blameworthy’, ‘praiseworthy’, ‘virtuous’, etc. The ‘right’ is the key notion of the normative part of a moral theory; the ‘good’ is used to express moral judgments.

#### To clarify, deontic theories guide ethics by looking at the actions of moral actors, whereas aretaic theories guide ethics by looking at the character of moral actors themselves. By developing good moral character, good actions will naturally follow.

#### Prefer the aretaic:

#### [1] Hijacks – Every action in the deontic can be expressed in the aretaic, but only the aretaic can break free of the right/wrong binary with its richer vocabulary.

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The way we use words ‘good/bad’ and ‘right/wrong’ seems to support the above claims. Goodness and badness come in degrees, hence we have words like ‘better’ and ‘worse’; we lack similar terms for deontically evaluated actions. The availability of degree terms in the former case seems to indicate the presence of many criteria used in evaluation; an all-or- nothing choice, implied by the use of ‘right’ or ‘wrong’, suggests focusing on only one quantum quality.12 But fine-grainedness is not only a property of particular aretaic terms, the entire aretaic vocabulary is infinitely richer and allows us to draw much finer distinctions in act-evaluations than the deontic vocabulary. For example, by saying that something is praiseworthy we impl[ies] that it deserves approval or favor: we assess it higher when we say that it is admirable, since then it should be also respected and honored. The meaning of the word ‘praiseworthy’ can be quite well conveyed by saying, that it is something that ought to be done, or that it is the right (in Ross’s understanding of ‘right’) thing to do: yet expressing the word ‘admirable’ in deontic vocabulary seems just impossible. From what has been said so far one can derive an encouraging conclusion for the advocates of attractive ethics. Sheer richness and fine-grainedness of aretaic vocabulary seems to be a good reason for believing that all that can be said in deontic terms can be equally well expressed in aretaic terms. This is not to say, however, that we can produce a translation manual which would provide us with a general method of expressing deontic notions in terms of aretaic ones for all possible cases. In particular, it does not seem possible, as we hope to have shown, to substitute ‘good’ for ‘right’ or ‘deplorable’ for ‘wrong’. The relation between the aretaic and the deontic seems to be somewhat similar to the relation between the physical and the mental in the mind-body problem. We can claim that deontic is supervenient on the aretaic without committing ourselves to the idea of complete definitional reduction. In other words, we may allow for token identity (each particular action can have an aretaic description that perfectly matches the deontic one) and deny the possibility of type identity (that there is aretaic sentence true of all and only the actions having some deontic property). If this analogy is correct then the idea of definitional reduction of the deontic to the aretaic, and in particular, Stocker’s identification of rightness and goodness, is doomed. But we can still pursue a more modest goal. If our task is just to substitute every particular deontic evaluation with an aretaic one, there are no logical reasons that would make it impossible (it would not work, of course, in the opposite direction). From that perspective, attractive ethical theories seem to be much better off than the imperative ones.

#### [2] Collapses – A. If agents were conditioned properly, they would independently take the right actions, which hijacks deontic theories. B. Infinite regress – we can always ask why to follow a deontic rule, but the answer will terminate in attempting to achieve some aretaic property.

#### [3] Prerequisite – A. Philosophy must frame who we are as individuals before dictating how we should act; I wouldn’t tell a serial killer to follow the categorical imperative but try to reform their character first, since they don’t have the disposition to follow it. B. The origin of philosophy had to start through an aretaic paradigm since there were no preconceived notions or rules that we needed a guide towards the good; they chose to develop the good out of their own volition; without the aretaic there’d be no reason to do good things unless we wanted to become better people.

#### [4] The deontic fails – A. Moral laws are socially constructed and dependent upon the places and conditions where they will be in use which means they are subjective and fail; moral law can’t account for every single situation, but virtue solves and is more flexible since good agents will do good actions. B. Moral laws can be interpreted in an infinite number of ways and there’s no way to hold people accountable for following them correctly. C. Fails to account for differences in cultures or norms, the aretaic solves by allowing people to determine and weigh between their own virtues.

#### Next, the only ethics consistent with the aretaic is a virtue paradigm. Instead of prescribing normative claims to action, virtue focuses on developing agents to make them virtuous.

**Reader,** (Soran Reader, Soran Reader is Lecturer in Philosophy at Durham University and is editor of The Philosophy of Need (Cambridge University Press, 2006)., December 2000, accessed on 8-22-2021, Springer, "New Directions in Ethics: Naturalism, Reasons, and Virtue.”", http://www.jstor.org/stable/27504153)//st

The centrality of virtue ethics emerges clearly in relation to the themes of the previous two sections. With the first theme, the naturalness of ethics, virtue ethics leads the field in making available a second-natural explicatory account of ethics. A virtue just is a capacity, learnable by beings with our biological nature, which both manifests the flourishing nature of the agent and seeks the flourishing of that to which it responds. With the sec ond theme, of practical reasons, things are less straightforward. It is not obvious that the virtues are our moral reasons for acting, although we cannot explain what the good agent does without reference to their virtues. I explore this question further below. A virtue is a free disposition to act in certain ways under certain conditions. Virtue ethics claims that what is to count[s] as a good action or what is a good outcome is conceptually dependent on claims about the virtue of an agent. How is this dependence supposed to work? Where those after an explanatory account seek a conceptual connection with something like a normative 'in itself, virtue ethicists instead explore the concrete dependence of moral activity on the possibility of learning from already virtuous agents. They hold that the key to moral rationality is found in moral education. Ethics begins with the apprentice moral agent ? the child, or the foreigner, or the damaged person in rehabilitation are all examples. These beginner-agents learn from the experienced, wise moral agent by copying by mimicking in their actions the actions of the virtuous agent. This mimicking, or 'going on in the same way', does not presuppose that the learner agent acquires any representations of how the world is (i.e., beliefs), nor that they acquire the ability to report on or provide justifications for what they do. Virtue is learned by cottoning on to virtuous ways of doing things, going on to do the same, then going on to do the same in new ways, once they have mastered the skill.16 The way virtue and character is supposed to be basic here is simply displayed in the analogy: there is and can be nothing 'behind' the expertise of the phronimos which can explain or justify it (any more than there is anything 'behind' the expertise of the doctor or the navigator, to use Aristotle's examples at NE 1104b7-l 1). Of course, plenty more can be said about it, and shortcuts can be found to aid the learning of those who have already mastered other skills (so competent rule-followers can learn from being given rules, just as competent grammarians can learn a new language from the grammar). But we should not confuse what it is possible to say about the skill of being moral, with what constitutes it. The burden of proof now rests with those who want to resist the idea that ethics is, at bottom, a way of doing things (specifically, living a good human life), and want to find a more fundamental notion than the practi cal skill that the virtuous person has. We approach this problem after Wittgenstein: he argued that 'rules' or 'interpretations' cannot be fundamental in our rationality, but that an actual way of going on comes first.17 McDowell (1979) first applied this insight to moral philosophy; its import has yet fully to be appreciated.

#### The standard is consistency with the cultivation of virtue.

#### Impact Calc –

#### [1] There is a distinction between procedural and substantive actions. Procedural actions allow agents to engage under the framework to practice virtue while substantive offense is an unvirtuous action. Procedural offense comes first since A) Prereq – if it’s impossible to engage in the framework it’s impossible to generate a substantive ethical conclusion from it B) Magnitude – being incapable of generating ethical principles is an intrinsic wrong that infinitely violates all the ethical decisions that you would have made under the framework C) Character – virtues are a mindset to do the right thing so they must be realized, not forced. Agents must be able to cultivate their own virtues – if I force a person to never lie that won’t develop their character.

#### [2] Not consequentialist – A) Virtue is concerned with how actions change someone’s moral character, regardless of the consequences B) Consequences only evaluate the direct consequences of the action but not the way that it affects someone’s moral character. Virtues aren’t end goods like pain and pleasure – it’s not something that should be maximized all the time unconditionally, instead, agents should focus on developing a character that can use virtue appropriately.

#### [3] Consequences fail – A) Induction Fails – You only know induction works because past experiences have told you it has, but that is in itself a form of induction, so you use induction to prove induction – that’s circular B) Butterfly Effect – Every action has an infinite number of consequences that stem from it – me picking up a pen could cause nuclear war a hundred years down – you can’t quantify the infinite amount of pain and pleasure to come C) Aggregation fails – everyone has different feelings of pain and pleasure, so you can’t universalize that and say it’s good – it’s impossible to measure something that’s completely subjective D) Culpability – any consequence can lead to another consequence so it’s impossible to assign obligations since you can’t pinpoint a specific actor that caused a consequence.

## Offense

#### I defend “Resolved: The member nations of the World Trade Organization ought to reduce intellectual property protections for medicines.”

#### Reducing patents creates open-source communities – information held back by patents will be open to the public once there are less restrictions on it.

#### Affirm –

#### [1] Excellence – open-source projects cause the community to strive towards a better version of them through mutual feedback which necessitates cultivating virtues like wisdom and justice.

**Opderbeck, 1** (David Opderbeck is Associate Professor of Law and the Director of the Gibbons Institute of Law, Science and Technology at the Seton Hall University School of Law., 11-2-2017, accessed on 8-11-2021, University of Maine School of Law Digital Commons, "A Virtue-Centered Approach to the Biotechnology Commons (Or, The Virtuous Penguin)", https://digitalcommons.mainelaw.maine.edu/mlr/vol59/iss2/5/)//st

There presently exists no framework for how virtue ethics could apply to intellectual property. The core virtue ethics axes of community, practices, tradition, and teleology, however, seem conducive to current discussions surrounding biotechnology. In the following sub-sections, I discuss how virtue ethics can relate broadly to open source methods of production, and then develop some themes in environmental and health care virtue ethics that can be applied to open source biotechnology. A. Virtue Ethics and Open Source Production Generally The virtue ethics notions of community and practices seem to map well onto the open source space. As Yochai Benkler has noted, open source communities require a system of "social-psychological" rewards in order to flourish. 75 Such rewards can include the sort of "internal goods" found in Maclntyrian "practices." 76 For example, a coder working on an open source software project might participate, at least in part, for the joy and satisfaction inherent in creating an elegant solution to a technical problem. 77 In addition, mature open source projects do not proceed aimlessly, but include standards of excellence established by the community and usually canonized by an influential individual or small group of individuals. 78 Finally, a pillar of open source production is the systematic extension of the project through the continuous feedback provided by numerous distributed workers. 79 A tension might arise, however, between Maclntyre's emphasis on acommunity's authoritative text or voice and the notion of open source production as an enterprise comprised of essentially self-actualizing individuals. In fact, Yochai Benkler and Helen Nissenbaum emphasize the virtue of "autonomy" as a core aspect of a virtue ethics approach to commons-based peer production. 80 Benkler in particular emphasizes the ways in which open source peer production contributes to justice by allowing space for individual autonomy.81

#### Human activities can be split into two categories: one activity where the end of the it can be completed, like watering a plant, and one where the end, or internal goods, is fully present in the activity itself, like friendship. Internal goods must come first – otherwise after achieving an end there is no motivation to do further action.

**Opderbeck, 2** (David Opderbeck is Associate Professor of Law and the Director of the Gibbons Institute of Law, Science and Technology at the Seton Hall University School of Law., 11-2-2017, accessed on 8-11-2021, University of Maine School of Law Digital Commons, "A Virtue-Centered Approach to the Biotechnology Commons (Or, The Virtuous Penguin)", https://digitalcommons.mainelaw.maine.edu/mlr/vol59/iss2/5/)//st

**Virtue ethics are communitarian. The development of individual virtue occurs only within the context of a particular community. The community shapes and defines the "virtues" that are important to the community.** The goal of human flourishing is achieved only as a community embodies the virtues. In Aristotelian thought, the notion of "excellence" is important to the communitarian context in which the virtues are developed and practiced. An analogy can be drawn here to a useful object, such as a hammer. We can ask, ''what characteristics should this object embody in order to function as an excellent hammer?" We might then identify characteristics including the tool's size, weight, balance, and striking surface. Tied to this concept of community is the notion of life as a "narrative." 56 Narratives reflect the historical arc or telos of a community. MacIntyre places the virtues extolled by Aristotle within the narrative framework of the heroic Greek city- state.57 The virtues that were prominent in Aristotle and later Greek thought were those that were necessary to promote the flourishing of the ideal polis. A second axis of virtue ethics is that of practices. Virtue ethics does not abjure rules or practices, but the focus is on practices rather than deontological rules. The goal is to identify practices that will enable a community to embody its core virtues. rules or practices, but the focus is on practices rather than deontological rules. As MacIntyre defines it, a "practice" is: [A]ny coherent and complex form of socially established cooperative human activity through which goods internal to that form of activity are realized in the course of trying to achieve those standards of excellence which are appropriate to, and partially definitive of, that form of activity, with the result that human powers to achieve excellence, and human conceptions of the ends and goods involved, are systematically 59 extended. This definition means that practices entail goods internal to the activity. 60 Such In addition, practices include "standards of excellence" that, when achieved, give rise to the goods internal "internal" goods are rewards recognized by practitioners. 61 to the practice.62 Finally, practices are "systematically extended," meaning that the practices' standards of excellence, as well as the capabilities of practitioners, rise over time.

#### [2] Community – open-source practices foster the virtues of mutual sacrifice and cooperation by allowing people to participate and share.

**Opderbeck, 3** (David Opderbeck is Associate Professor of Law and the Director of the Gibbons Institute of Law, Science and Technology at the Seton Hall University School of Law, 11-2-2017, accessed on 8-11-2021, University of Maine School of Law Digital Commons, "A Virtue-Centered Approach to the Biotechnology Commons (Or, The Virtuous Penguin)", https://digitalcommons.mainelaw.maine.edu/mlr/vol59/iss2/5/)//st

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A successful, long term open source community requires an authoritative voice or voices that regulate exchange, lend status to social-psychological rewards, and canonize valuable contributions to the project. 82 Open source production can indeed sometimes provide more space for individual creativity and expression than traditional hierarchical production, but such creativity and expression should be conceived in terms of virtues that lend themselves to communal practices, with such practices embedded in the narrative tradition of the community. Once open source communities are conceived in Maclntyrian terms, it is possible to identify virtues that support the flourishing of such communities. Benkler and Nissenbaum identify three "clusters" of virtues that relate to peer production: (1) "autonomy, independence, liberation"; 83 (2) "creativity, productivity, industry"; 84 (3) "benevolence, charity, generosity, altruism";85 and "sociability, camaraderie, friendship, cooperation, civic virtue." 86 The first cluster seems difficult to relate to the communitarian axis of virtue ethics. As an example of the "virtue" of autonomy, Benkler and Nissenbaum propose "independence from the wide-ranging commercial entities influencing our actions and choices as well as from the typical array of institutional entities, whether employers, banks, agents of government, or whoever." 87 In his important book The Wealth of Networks, Benkler stresses autonomy as a fundamental value promoted by open source production, but not from a virtue ethics framework. 88 In The Wealth of Networks, Benkler seems to approach the question of autonomy from a Kantian perspective. "Autonomy" seems better suited to the Kantian perspective Benkler takes in The Wealth of Networks than to the virtue ethics approach he takes with Nissenbaum. It may be true that commons-based production increases individual autonomy by providing alternatives to information flows produced by traditional commercial providers. But individual autonomy should not be conceived as a "virtue." Rather, some notion of autonomy may be a component of the eudemonia toward which the virtues direct human practices. And the virtues, as instantiated in practices and traditions, are never merely self-directed. Practices and traditions are by definition communal, not merely individual. A better approach to the question of autonomy within a virtue ethics framework of open source production would be to focus on the virtue of "respect" for the autonomy of others. If human flourishing requires that people have some capacity to make autonomous choices, then respecting the choices of others, and fostering communities in which such choices can be exercised, is an important virtue. 90 Viewed this way, it is possible to identify practices and traditions that embody this virtue. Benkler and Nissenbaum's focus on "creativity, [AND] productivity, [and] industry" 91 seems closer to the heart of virtue ethics. productivity, and industry can be considered part of a Maclntyrian "practice. " Peer production provides additional avenues for individuals to engage in creative and 93 productive work, and thus can facilitate valuable practices. In addition, Benkler and Nissenbaum note that peer production encourages the 94 "other-regarding" virtues of "benevolence, charity, generosity, [and] altruism." Participants in open source communities give time, resources, and talents to the project, ordinarily without direct financial remuneration. 95 As Benkler and Nissenbaum note, however, the literature concerning open source culture is ambiguous concerning whether participants offer their time, resources, and talents for altruistic 96 reasons or as part of an essentially self-interested medium of exchange. Finally, Benkler and Nissenbaum focus on the virtues of"sociability, camaraderie, 97 It is here that their link between virtue ethics and peer production is perhaps most salient. This cluster of virtues involves providing resources to a community engaged in a common project with a common goal. The concept is similar, Benkler and Nissenbaum note, to the American founders' 98 friendship, cooperation[, and] civic virtue." Whatever their psychological motives, the multifarious contributors to an open source project provide small inputs notion of politics as contribution to the public good. of time, resources, and talent, which cumulate to a much larger good.

Table

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