## 1AC

### Framework

#### **The meta-ethic is practical reason—**

#### **1] Ethics must be grounded in the fundamental characteristic shared by all moral agents, namely their status *as* agents, which is to say practical reasoners.**

Engstrom (Stephen Engstrom, “Universal Legislation As the Form of Practical Knowledge”)

In addition to the idea of universal legislation as the form of practical cognition, there’s a related idea guiding Kant’s thinking about the constraints of pure practical reason that needs to be borne in mind when we consider how they apply in choice and action. Since the exercise of practical reason proceeds from the universal to the particular, the application of the formula of universal law should proceed in this direction as well. Thus in attempting to determine what obligations to other persons this principle of universality might support, we should first consider its application in the most primitive, or fundamental[s], exercise of the will, and to do this we will need to consider the most basic practical self-conception of a particular human person.11 It would be inappropriate, for example, to begin with duties that presuppose particular relations between the persons involved, such as the ties between citizens, family members, or friends. Such obligations, important though they are, depend upon specific, contingent conditions of action, whereas the cases we should consider first are those of duties that attach to us most fundamentally, merely in virtue of our standing as human persons, or subjects with wills, sharing the power of practical reason.

#### 2] Morality must begin from practical reason—it’s impossible to deny reason’s authority.

Velleman (David, “Self To Self”, Cambridge University Press, 2006, pg 18-19)

As we have seen, requirements that depend for their force on some external source of authority turn out to be escapable because the authority behind them can be questioned. We can ask, “Why should I act on this desire?” or “Why should I obey the U.S. Government?” or even “Why should I obey God?” And as we observed in the **case** of the desire to punch someone in the nose, this question demands a reason for acting. The authority we are questioning would be vindicated, in each case, by the production of a sufficient reason. What this observation suggests is that any purported source of practical authority depends on reasons for obeying it—and hence on the authority of reasons. Suppose, then, that we attempted to question the authority of reasons themselves, as we earlier questioned other authorities. Where we previously asked “Why should I act on my desire?” let us now ask “Why should I act for reasons?” Shouldn’t this question open up a route of escape from all requirements? As soon as we ask why we should act for reasons, however, we can hear something odd in our question. To ask “Why should I?” is to demand a reason; and so to ask “Why should I act for reasons?” is to demand a reason for acting for reasons. This demand implicitly concedes the very authority that it purports to question—namely, the authority of reasons. Why would we demand a reason if we didn’t envision acting for it? If we really didn’t feel required to act for reasons, then a reason for doing so certainly wouldn’t help. So there is something self-defeating about asking for a reason to act for reasons.

#### Practical reason means we must be able to universally will maxims—our judgements are authoritative and can’t only apply to ourselves anymore than 2+2=4 can be true only for me. The only constraint is noncontradiction.

#### Coercion violates the universal law – thus the standard is respecting freedom. Engstrom

Engstrom, Stephen (Professor of Ethics at UPitt). “Universal Legislation As the Form of Practical Knowledge.” <http://www.philosophie.uni-hd.de/md/philsem/engstrom_vortrag.pdf>

Given the preceding considerations, **it’s a straightforward matter to see how a maxim of action that assaults the freedom of others with a view to furthering one’s own ends results in a contradiction when we attempt to will it as a universal law** in accordance with the foregoing account of the formula of universal law**. Such a maxim would lie in a practical judgment that deems it good on the whole to act to limit others’ outer freedom, and hence their self-sufficiency, their capacity to realize their ends**, where doing so augments, or extends, one’s own outer freedom and so also one’s own self-sufficiency. In this passage, Kant mentions assaults on property as well as on freedom. But since property is a specific, socially instituted form of freedom, I have omitted mention of it to focus on the primitive case. Now on the interpretation we’ve been entertaining, **applying the formula of universal law involves considering whether it’s possible for every person**—every subject capable of practical judgment—to share[s] the practical judgment asserting the goodness of every person’s acting according to the maxim in question. **Thus in the present case the application of the formula involves considering whether it’s possible for every person to deem good every person’s acting to limit others’ freedom, where practicable, with a view to augmenting their own freedom**. Since here **all persons are on the one hand deeming good both the limitation of others’ freedom and the extension of their own freedom**, while on the other hand, insofar as they agree with the similar judgments of others, **also deeming good the limitation of their own freedom and the extension of others’ freedom, they are all deeming good both the extension and the limitation of both their own and others’ freedom.**

#### Now prefer the standard:

#### 1] Culpability – if we didn’t regard agents as free, then we can’t hold them culpable for immoral actions since there would be no possibility of them doing otherwise and being moral.

#### 2] Argumentation Ethics – Any attempt to justify a violation of rights commits performative contradiction.

Marian Eabrasu, Research fellow at the GRANEM (Angers University), A Reply to the Current Critiques Formulated Against Hoppe’s Argumentation Ethics, 03/13/2009, <https://mises.org/library/reply-current-critiques-formulated-against-hoppe%E2%80%99s-argumentation-ethics> ///AHS PB

Hoppe observes that “the right to self-ownership” is very similar with the statement “I am alive.” One has to be not only a living person but she has to be also a non-coerced self-owner in order to deny the right to self-ownership. Hence, Hoppe purports to show that denying the right to self-ownership is self-contradictory: Such property right in one’s own body must be said to be justified a priori. For anyone who would try to justify any norm whatsoever would already have to presuppose an exclusive right to control over his [their] body as a valid norm simply in order to say “I propose such and such.” And anyone disputing such right, then, would become caught up in a practical contradiction, since arguing so would already implicitly have to accept the very norm which he was [they where] disputing. [Hoppe 2006, 342] Were this argument valid, libertarianism would be the only theory of justice that can be justified. By libertarianism it is intended the normative set of propositions derived from the self-ownership axiom. “In effect, this argument supports the natural rights position of libertarianism as espoused by the other master thinker of the modern libertarian movement, Murray N. Rothbard—above all in his Ethics of Liberty” (Hoppe 2006, 340–41). Showing that only the self-ownership axiom can pass the test of performative contradiction, justifies the preference for it. Libertarianism should be preferred to any other theory of justice, because only libertarianism is non-contradictory. To be sure, this fact does not impede conflicts to arise or non-libertarian solutions to be provided. Hoppe’s argument shows only that it would be absurd (i.e., self-contradictory) to adopt a non-libertarian ethics: I demonstrate that only the libertarian private property ethic can be justified argumentatively, because it is the praxeological presupposition of argumentation as such; and that any deviating, non-libertarian ethical proposal can be shown to be in violation of this demonstrated preference. Such a proposal can be made, of course, but its propositional content would contradict the ethic for which one demonstrated a preference by virtue of one’s own act of proposition-making, i.e., by the act of engaging in argumentation as such. […] Likewise, non-libertarian ethical proposals are falsified by the reality of actually proposing them. [Hoppe 2006, 341] If libertarianism is the correct ethical theory, the foremost political implication which follows from this idea is anarchy. As simple as the solution to the problem of social order is and as much as people in their daily lives intuitively recognize and act according to the ethics of private property just explained, this simple and undemanding solution implies some surprisingly radical conclusions. Apart from ruling out as unjustified all activities such as murder, homicide, rape, trespass, robbery, burglary, theft, and fraud, the ethics of private property is also incompatible with the existence of a state defined as an agency that possesses a compulsory territorial monopoly of ultimate decision-making (jurisdiction) and/or the right to tax. [Hoppe 2006, 388]

#### 3] Motivation – self-interested individuals are motivated to inevitably tend towards a libertarian state – outweighs since otherwise we can ask “why be moral” and there’s no solution ,absent a self-interested reason.

Bruno Verbeek, University of Leiden, Summarizes Naveson, Published in Liberty, Games and Contracts: Jan Narveson and the Defence of Libertarianism, Malcolm Murray (ed.). Ashgate, 2007. Pp. 273., <https://openaccess.leidenuniv.nl/bitstream/handle/1887/16519/Verbeek_Murray-Corrections.pdf?sequence=4> ///AHS PB

Narveson’s position can summed up in three fundamental claims. First, the justification of a political philosophy or indeed any normative ethical theory, requires contractarian foundations. All contractarians consider morality as the outcome of an agreement among relevant parties. More precise, moral norms are those rules that are agreed upon by agents in a suitably characterized bargaining situation. Contractarians share this starting point with other social contract theorists. However, contractarians differ from other social contract theories, like that of John Rawls, in that the latter treat such an agreement among rational agents as a heuristic instrument for identifying the content of morality. That is, authors like Rawls claim that moral norms are binding for reasons other than that they are agreed upon by agents in the original position. Narveson, like other contractarians, believes that agreement of some sort is necessary and sufficient for the normativity of such norms. (“Of some sort” because closer reading reveals that this social contract is not an actual agreement. Rather, it is “an agreement in the sense of a co-ordinated set of conditional dispositions”, see Narveson 1994.) The type of contractarianism that Narveson endorses is Hobbesian. Hobbesian contractarians hold that rational agents are primarily motivated to maximize what they regard as valuable. This could include many things, but among these self-interest figures prominently. Hobbesian contractarians regard morality as an answer to a problem. The problem is posed by what would happen under conditions of moral anarchy to rational creatures who are disposed to maximize their self-interest. Under such conditions, rational agents, who aim to maximize what they value, will compete with all means at their disposal for the scarce resources needed to realize this aim. Other agents will appear as actual or potential competitors and it is best to eliminate such competition as efficiently and effectively as possible. The result is a situation best modeled as an n-person prisoner’s dilemma, where a non-optimal equilibrium is realized. In such a situation, rational agents will realize that they can benefit each other. As Jan Narveson puts it, “first because we are vulnerable to the depredations of others, and second because we can all benefit from cooperation with others” (1988, 148). This will motivate the agents to start bargaining with the aim of arriving at an agreement to constrain this maximizing behavior and coordinate actions so as to benefit each other. Morality, for the Hobbesian contractiarian, is a form of self-imposed constraint – a rational constraint – on the pursuit of the maximization of value. Unlike Hobbes, Hobbesian contractarians do not regard morality as something that is enforced by a authoritarian state. Instead, the restrictions that morality poses on the unfettered pursuit of what one values are restrictions that rational agents can agree to in a rational bargaining process that aims to bring about an optimal mutually cooperative outcome. Moral constraints are those constraints it is rational to adopt provided others do so as well. The second fundamental claim of Narveson’s philosophy is that such Hobbesian contractarian starting points inevitably lead to a restricted list of rights and corresponding obligations that emphasize individual freedom. The corresponding political conclusion is that a legitimate state necessarily is a libertarian state. Narveson is a so-called right-libertarian (as opposed to left libertarians). Such libertarians typically argue for a small, non-authoritarian state in which basic liberties are rigorously respected, but nothing beyond this. As a consequence, right libertarians do not believe that the state has any business requiring citizens to support others beyond respecting the negative claim rights of others. The third claim of Narveson is typical for all right-libertarian political philosophy. In order to guarantee individual freedom, a legitimate state respects strong property rights and corresponding institutions (especially the market). That is to say, Narveson believes that individual freedom necessitates a robust respect for private property and the market.

#### 4] Separateness of persons. If an action is morally good, it must be good for someone. Goodness is a linguistic concept that must be spoken from a particular perspective. People’s goods can’t be aggregated since there is no God’s-eye perspective from which that action would be good. This justifies libertarianism since every person has a right to pursue their own good.

#### 5] Any moral valuation presupposes the unconditional worth of rationality – coercion is wrong since it treats others as a mere means to an end.

Korsgaard ’83 (Christine M., “Two Distinctions in Goodness,” The Philosophical Review Vol. 92, No. 2 (Apr., 1983), pp. 169-195, JSTOR) OS

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, he or she 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 them. 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.

### Offense

#### 1] Intellectual Property is bad – it denies people the right to their own property and shuts down free competition – no turns – the conflation of intellectual property with physical property misunderstands the constitutive role of private property in the first place.

Kinsella N. Stephan, 5-25-2011, "How Intellectual Property Hampers the Free Market," No Publication, <https://fee.org/articles/how-intellectual-property-hampers-the-free-market/> JS  
In fact, assigning property rights in ideas and other immaterial things, such as patterns or recipes, ends up restricting other people’s rights to control their physical property. Copyright and patent holders thus become, in effect, co-owners of others’ property, courtesy of the State. This is illustrated in the copyright censorship examples provided. And it is seen in cases where a patentee uses the courts to shut down competitors. Another way to understand the error in treating information, ideas, and patterns as property is to consider IP in the context of human action. Ludwig von Mises explained in The Ultimate Foundation of Economic Science that “[t]o act means: to strive after ends, that is, to choose a goal and to resort to means in order to attain the goal sought.” Knowledge and information of course play key roles in action. As Mises puts it, “Action . . . is not simply behavior, but behavior begot by judgments of value, aiming at a definite end and guided by ideas concerning the suitability or unsuitability of definite means” (emphasis added). Moreover, “[m]eans are necessarily always limited, i.e., scarce, with regard to the services for which man wants to use them.” This is why property rights emerged. Use of a resource by one person excludes use by another. In contrast, ownership of the information that guides action is not necessary for performing the action. Two people who each own the ingredients can simultaneously make a cake with the same recipe. Material progress is made precisely because information is not scarce. It can be infinitely multiplied, learned, taught, and built on. The more patterns, recipes, and causal laws that are known, the greater the wealth multiplier as individuals engage in ever-more efficient and productive actions. It is good that ideas are infinitely reproducible. There is no need to impose artificial scarcity on ideas to make them more like physical resources, which—unfortunately—are scarce. As Frédéric Bastiat observed, “All innovation goes through three stages. One possesses unique knowledge and profits from it. Others imitate and share profits. Finally, the knowledge is widely shared and no longer profitable on its own which thereby inspires new knowledge.” Patents artificially prolong the first stage at the expense of the others. Thus, IP is inimical to progress, prosperity, and freedom.

#### 2] One cannot be said to own an idea because that idea came from the collective activity of others before you – trying to restrict others from using something you own is coercion.

Hettinger, Edwin C. 1989, “Justifying Intellectual Property.” Philosophy & Public Affairs, vol. 18, no. 1, pp. 31–52. JSTOR, [www.jstor.org/stable/2265190. Accessed 18 Aug. 2021](http://www.jstor.org/stable/2265190.%20Accessed%2018%20Aug.%202021). JS

The value added by the laborer and any value the object has on its own are by no means the only components of the value of an intellectual object. Invention, writing, and thought in general do not operate in a vacuum; intellectual activity is not creation ex nihilo. Given this vital dependence of a person's thoughts on the ideas of those who came before her, intellectual products are fundamentally social products. Thus even if one assumes that the value of these products is entirely the result of human labor, this value is not entirely attributable to any particular laborer (or small group of laborers). Separating out the individual contribution of the inventor, writer, or manager from this historical/social component is no easy task. Simply identifying the value a laborer's labor adds to the world with the market value of the resulting product ignores the vast contributions of others. A person who relies on human intellectual history and makes a small modification to produce something of great value should no more receive what the market will bear than should the last person needed to lift a car receive full credit for lifting it. If laboring gives the laborer the right to receive the market value of the resulting product, this market value should be shared by all those whose ideas contributed to the origin of the product. The fact that most of these contributors are no longer present to receive their fair share is not a reason to give the entire market value to the last contributor.20

#### 3] Intellectual property is logically absurd and an illegitimate claim of right.

Long, Roderick. 1995. “The Libertarian Case Against Intellectual Property Rights” JS http://freenation.org/a/f31l1.html#4

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? "... the patent monopoly ... consists in protecting inventors ... against competition for a period long enough to extort from the people a reward enormously in excess of the labor measure of their services, — in other words, in giving certain people a right of property for a term of years in laws and facts of Nature, and the power to exact tribute from others for the use of this natural wealth, which should be open to all." (Benjamin Tucker, Instead of a Book, By a Man Too Busy to Write One: A Fragmentary Exposition of Philosophical Anarchism (New York: Tucker, 1893), p. 13.) 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. .

### Underview

#### 1] Aff gets 1AR theory otherwise there’s no way to check infinite abuse. Drop the debater on 1AR theory since the 1AR is too time crunched to win both substance and theory. No 2NR RVI’s since you’ll just sandbag for 6 minutes on 1AR theory and win rounds while being abusive.

#### 2] No neg fiat! It’s Irreciprocal and Illegitimate

Plants 89 [J. Daniel Plants, Baylor University, 1989, "Counterplans Re-Visited: The Last Sacred Cow?," Punishment Paradigms : Pros And Cons, <http://groups.wfu.edu/debate/MiscSites/DRGArticles/Plants1989Punishment.htm>] AG

Marginality in Practice The notion of "as compared to the way things are done now" is nothing novel. Such a comparison is implicit any time the term "should" is invoked. Examples will make this clear. Imagine a congressperson proposing a mandatory seat belt law. The floor is opened to debate over the merits of mandating safety belts. All of a sudden, another member of Congress interrupts with the brilliant idea of banning all automobiles. Such a suggestion would be immediately discarded as irrelevant (if not also as absurd). Obviously, when the first member of congress proposed the seat belt law, he or she presupposed the existence of cars in the first place. The bill was suggested in a world where automobiles (and automobile accidents) were the quid pro quo. Similarly, take the example of a group of friends discussing where to dine. After a list of several restaurants, someone suggests that the group play tiddly-winks instead. While that might make for great group fun, playing tiddly-winks has absolutely nothing to do with the process of selecting WHERE to have dinner. The tiddly-winks suggestion should have been offered in the "What should we do tonight?" or the "Should we even have dinner?" conversations. Once the topic under discussion is clearly not whether to eat but where to do it, the "counterplan" offered by the tiddly-wink enthusiast begs the question being asked. These analogies highlight the fundamental flaw in the optimality perspective. Counterplans are not responsive to the question posed by the resolution. The resolution suggests an action, and asks if it should be done. It explicitly limits the range of discussion to that action and no more: should we affirm this resolution? Yes or no? The area under discussion is the resolution and its beneficial and detrimental effects, nothing more. When the negative counterplans, it begs the question of the topic. Resolutions do not make claims such as, "Resolved: the United States should enact \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ as compared to all other competing priorities." Such wording might legitimize counterplans, implicitly, by requiring the affirmative to be superior to all other options, although even then it is arguable that the affirmative need only be superior to extant alternatives. It is not a coincidence that the resolution is worded in its present fashion. It proposes a course of action. It is up to both sides to clash over that particular action, not distract the question at hand with unrelated policies. An example of a popular generic counterplan will further illustrate my point. Recent college and high school topics have dealt with uniform, minimum educational standards imposed by the Federal government. The thrust of this topic, and the reason that Federal intrusion into the area of education was ever suggested, is that for the past 200+ years, the states' performance in education has been unsatisfactory. Time and again, the states have been unwilling to force the schools under their control to meet minimum standards. The affirmative's rationale for Federal action is largely buttressed by the demonstrated recalcitrance of the states to take the initiative. Without fail, the negative would counterplan by doing exactly what the affirmative did, but enacting the proposal simultaneously in the 50 states. Such a strategy begs the question posed by the topic. The topic demands that the desirability of federal action be debated; the negative proposal to go through the states relegates the central question of the resolution to secondary importance. Indeed, at the start of the debate, the affirmative, in arguing for change advances its best possible indictment of the status quo as it exists at the start of the first affirmative constructive. In arguing for change, what other system could the affirmative claim to be superior to? The status quo is all that exists when the debate commences. The affirmative cannot forsee all possible systems that the negative could offer; and even if such premonition were possible, the negative could always change its strategy, since the affirmative must speak first. In short, when the affirmative argues that we should change, they mean that change is beneficial as compared to the present system; there exists no other standard of comparison to which they could conceivably be appealing, The origin of the idea that the affirmative must compare favorably to any and all negative proposals, is beyond me. Surely the affirmative has done their job if they can prove change is warranted at the margin. Negative Fiat As most students of debate know, debate has adopted a curious deus ex machina to make debate more practical. The concept of fiat (from Latin, literally meaning, "Let it be") is the assumption, for the purpose of discussion, that the resolution can be implemented. Obviously, four debaters in a classroom aren't really able to affect the nation's policies. But debate would be inane if the affirmative offered the plan in the 1AC, and then the 1NC rose and cavalierly argued, "Since the affirmative team members are not congresspersons, they cannot put their plan into effect. Therefore, the negative wins." Thus, to avoid questions of whether or not the present system would adopt the affirmative, we assume that it would, for the purpose of discussion. This makes it possible to debate the merits of proposals, rather than the likelihood of their adoption. So far, so good. We have made only one assumption: that the action specified in the topic is put into effect, so that its desirability can be evaluated. Notice that the rationale for allowing [fiat] this is, once again, to focus more clearly on whether we "should" affirm the topic. This brings us to an important question: Where does "negative fiat", if such a thing is possible, come from? Why does the negative have the right to offer and implement proposals? Observe that fiat, as developed above, is not known as "affirmative" fiat; it is neutral with respect to side. It is a device that assists BOTH teams in analyzing whether we should take action. Fiat merely directs the debate more clearly to relevant discussion. Fiat is not a reciprocal privilege that the negative deserves on grounds of equity, because it doesn't give either side an advantage over the other. Fiat inheres in the way both teams debate the merits of the resolution. In essence, the negative already has "benefited" from fiating the resolution into existence as much as the affirmative did; both sides now can avoid debating what WOULD be done and debate instead what SHOULD be done. Consequently, the conclusion that the negative deserves "negative fiat" to counter the "affirmative fiat" is groundless. Thus, the prior question, posed again: why and how can the negative assume into existence alternative policies? There is only one action asked to be debated: the resolution (or its designated representative, the plan) . We can assume into existence the resolution and nothing more. From our standpoint, that is literally all that we have control over; we have, by agreeing to limit discussion to a single proposal, proscribed our ability to deal with or effectuate any other policies. Succinctly stated, there is no theoretical basis for the existence of counterplans as an argument against the affirmative. Whither the negative? At the outset of this section, let me make clear my conviction that this part of the essay is not indispensable to my argument in any way. The preceding paragraphs are reasons why counterplans have no legitimacy as debate arguments. If that is indeed true, then arguments about what debate will come to after the passing of counterplans, is secondary. Remember, at one time there was no such thing as a counterplan. Debate persevered. There is absolutely nothing wrong with innovation in debate; however, those who innovate must be able to justify the appropriateness of their creations. If counterplans are proven inappropriate for debate, they should be discarded. The fact that they have been around for so long should afford them no special protection. For the sake of argument (no pun intended), though, what would the post-counterplan world look like? Not that different, really. The negative would defend the status quo. The affirmative, to win, would have to be on balance superior to the way things are done in the present system. It is beyond me why so many people are unwilling to force the negative to defend the present system. A typical claim is, "It's unfair to leave the negative nothing but the messed-up, defunct status quo. Why should the negative get stuck with it?" What a facile assertion! The status quo is not some random, irrational system that is inherently deficient. There are reasons why things are done the way they currently are. True, they may be bad or flimsy reasons, but in those instances, then change would seem to indeed be warranted. And should we not have equal, if not greater, sympathy for the affirmative? They are asked to prove that the longstanding traditions of the status quo be abandoned in favor of an untried alternative. my point is that there is nothing untenable about the negative arguing that we should not change the status quo.

### Method

#### Put away your Kant indicts – a priori reason is necessary to identify oppressive beliefs – this independently proves that ethics is based on rationalism instead of empiricism.

Wood Wood, Allen, Professor of Philosophy at Stanford University. *Kantian Ethics*, Cambridge University Press, pg. 11-12, 2007. 11/21/17 MB PZ

Against those theories that want to ground ethics on natural feelings, inclinations, or passions (such as sympathy), Kant has two main objections. One is that feelings and inclinations do not suffice to ground clear and determinate principles for action. But the deeper objection is that in human beings, no feelings, empirical desires, or passions are merely “natural” – that is, good or innocent. All are at the same time social (and socially corrupted), so that the most we can expect from them is a correspondence to what is morally good that is contingent and at best precarious. Ethical theories grounded on them therefore might give the right results for a different species of rational creatures, a species that was asocial or whose sociability was not, like ours, infected with self-conceited ambition and a passionate need to dominate our fellows. When applied to us, such theories are either too naïve or too complacent, especially in the context of our more developed or “civilized” societies. In other words, Kantian ethics is fundamentally committed to a radical critique of human social life, especially of social life in its “civilized” form. This critical tendency is not a mere ancillary feature or contingent concomitant of Kantian ethics. It conditions the fundamental conception of Kantian ethical theory. For it is Kant’s view that our only resource in combating the radical evil of our social condition is the faculty of reason, whose development accompanies that of our propensity to evil, and which alone enables us to recognize evil for what it is. This is why moral principles for Kant must be a priori rather than empirical in origin, and why we cannot trust our natural feelings, inclinations, or passions to provide us with moral distinctions, judgments, and motives

#### Prefer deontic over hedonist theories of ethics:

#### 1] Utilitarianism creates a moral obligation to oppress people, when their suffering would cause a greater amount of happiness for the majority.

Jeffrey **Gold**, Utilitarian and Deontological Approaches to Criminal Justice Ethics

According to utilitarianism, an action is moral when it produces the great-est amount of happiness for the greatest number of people. A problem arises, however, when the greatest happiness is achieved at the expense of a few. For example, **if a large group were to enslave a very small group, the large group would gain certain comforts and luxuries (and the pleasure that accompanies those comforts) as a result of the servitude of the few**. **If we were to follow the utilitarian calculus** strictly, **the suffering of a few (even intense suffering) would be outweighed by the pleasure of a large enough majority**. A thousand people’s modest pleasure would outweigh the suffer-ing of 10 others. Hence, utilitarianism would seem to endorse slavery when it produces the greatest total amount of happiness for the greatest number of people. This is obviously a problem for utilitarianism. **Slavery and oppression are wrong regardless of the amount of pleasure accumulated by the oppressing class. In fact, when one person’s pleasure results from the suf-fering of another, the pleasure seems all the more abhorrent.** The preceding case points to a weakness in utilitarianism, namely, the weak-ness in dealing with certain cases of injustice. Sometimes it is simply unjust to treat people in a certain way regardless of the pleasurable consequences for others. A gang rape is wrong even if 50 people enjoy it and only one suffers. It is wrong because it is unjust. To use Kant’s formulation, it is always wrong to treat anyone as a mere means to one’s own ends. When we enslave, rape, and oppress, we are always treating the victim as a means to our own ends.

#### 2] Utilitarianism falls into an inevitable logical tautology that renders it incoherent. Hurka:

Hurka, Thomas, "Moore’s Moral Philosophy", *The Stanford Encyclopedia of Philosophy*(Summer 2021 Edition), Edward N. Zalta (ed.), URL = <https://plato.stanford.edu/archives/sum2021/entries/moore-moral/>.

Especially in *Principia Ethica*, Moore spent much more time defending his other non-naturalist thesis, of the autonomy of ethics, which he expressed by saying the property of goodness is simple and unanalyzable, and in particular is unanalyzable in non-moral terms. This meant the property is “non-natural,” which means that it is distinct from any of the natural properties studied by science. Views that denied this committed what he dubbed “the naturalistic fallacy,” which he found in hedonists such as Jeremy Bentham, evolutionary ethicists such as Herbert Spencer, and metaphysical ethicists such as T.H. Green. Moore's main argument against their view was what has come to be known as the “open-question argument.” **Consider** a particular naturalist claim, such as that **“x is good**” is **equivalent to “x is pleasure.” If this** claim **were true,** Moore said, the judgement **“Pleasure is good” would be equivalent to “Pleasure is pleasure,” yet** surely **someone who asserts the former means to express more than that** uninformative **tautology**. The same argument can be mounted against any other naturalist proposal: even if we have determined that something is what we desire to desire or is more evolved, the question **whether it is good** remains “open,” in the sense that it **is not settled by the meaning of the word “good.”** We can ask whether what we desire to desire is good, and likewise for what is more evolved, more unified, or whatever (*Principia Ethica* 62–69). Sidgwick had used the same argument against Bentham and Spencer, but only in passing; Moore made it central to his metaethics.

#### Our framework solves – instead of a single thing like pleasure being the good, we argue that each person has different conceptions of the good that they should have the capacity to engage in so long as it doesn’t hinder others.

#### 3] Deciding between two states of affairs under util is impossible – it creates a calculative regress..

Bales 71

<Bales, R. E. (1971) “Act-Utilitarianism: Account of Right-making Characteristics or Decision-Making Procedure”, American Philosophical Quarterly 8, 1971. Quoted in: “Applying utilitarianism: the problem of practical action-guidance” by Jonas Gren. 2004.

https://gupea.ub.gu.se/bitstream/2077/4565/1/gupea\_2077\_4565\_1.pdf >

For the sake of simplicity, we begin by supposing that two acts, A and B, are open to the agent. Which should he perform? If the agent is a consistent act-utilitarian, the argument goes, he will estimate and compare the probable consequences of A and B and perform the one with the better probable consequences. In brief, he will calculate. **But the act of calculating is itself an act** which the agent may or may not choose to perform. Thus, a third act, C, the act of calculating, has entered the picture. Shall the agent, then, simply perform A, or shall he perform B, or shall he perform C? If the agent is a consistent act-utilitarian, these alternatives, too, provide an occasion for calculating, and a fourth alternative presents itself, D, which is the act of calculating the probable consequences of A, B, and C. But of course D is an alternative itself subject to calculation, and **the agent is caught in a** vicious **regress.**