### NC

#### Morality must be derived a priori:

#### 1] Naturalistic Fallacy – experience merely perceives how the world is, which cannot correlate to how the world ought to be due to the is-ought fallacy.

#### 2] Uncertainty – inability to know others’ experience due to a limited perception makes empiricism unreliable for universal ethics.

#### 3] Verification – The logic of evaluating consequences is circular because it relies on the assumption that nature will hold uniform but we could only reach that conclusion through an observation of past events.

#### Ethics must answer the problem of infinite regress since we could question moral principles forever and avoid following morality. Only reason solves – asking why reason is important concedes its authority as we’re asking a reason for using our reason.

#### Moral law must be both necessary and universal – only universal law can be constitutive of agency because it applies to all agents in all instances – other maxims cannot guide action in every situation. Willing coercion is a contradiction in conception because you extend your own freedom while simultaneously undermining your ability to act in the first place.

#### Thus, the standard is respecting freedom. Prefer it:

#### 1] Performativity – Argumentation presupposes one’s own freedom to act – if I violated your freedom, you wouldn’t be able to debate – this means contestations of my framework prove it true

#### 2] 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.

#### 3] Other Frameworks Collapse – viewing others as ends in themselves is a prerequisite for moral value.

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.

#### Impact calc – the standard is deontological – you cannot violate one person’s freedom for the overall good, that’s consequentialist and is indicted by your own Santos card.

#### I defend the squo. Now negate:

#### 1] Freedom requires that each person own themselves in order to be able to actualize such free will. Owning oneself entails a right to all products of your body, which includes intellectual property.

Attas D. (2008) Lockean Justifications of Intellectual Property. In: Gosseries A., Marciano A., Strowel A. (eds) Intellectual Property and Theories of Justice. Palgrave Macmillan, London. <https://doi.org/10.1057/978-0-230-58239-2_2> JS

On a very simple notion of intellectual creativity, ideas are simply extensions of the self. That is to say, mental products such as ideas, inventions, works of art, and so on, come into being as parts of the mind, in the same way as body products, such as hair or blood, come into being as parts of the body. Since we own our body, we also own its products; if we similarly own our mind, we also own our mind’s products. Were Locke to have given any thought to the idea of intellectual property when he was writing Of Civil Government, he might have said not only that ‘The labour of his body, and the work of his hands’, but also that the ideas of his mind, ‘we may say are properly his’. There is no real need to ‘appropriate’ anything in the genuine sense, since these things come into the world already attached to persons having foundational rights of self-ownership with respect to them.

#### 2] Weak IP protections are a form of institutional free-riding which is theft – fact that IP is non-rival doesn’t apply.

Gmeiner, Robert. (2021). International free riding on institutions. Economic Affairs. 41. 123-140. 10.1111/ecaf.12452. JS

Within one country, a government can maintain these institutions. When firms trade, invest, and expand internationally, rules specific to individual countries apply, and these may vary sharply from one country to another. Intellectual property is intangible and thus non-rival, but the profits it can yield are rival. The intangibility of intellectual property makes the economic surplus from its creation susceptible to international misappropriation. Intellectual property rights are a focus of this article because they are linked so closely to innovation and economic advance and have long been the subject of trade-related contention. Intellectual property rights do not lead to economic progress in a vacuum; other domestic insti- tutions determine the benefit that a country receives as a result of an intellectual property rights regime. These institutions include those that ensure uniformity of police protection and the rule of law, impartial and timely judicial processes, contract enforcement, and effective enforcement of judgements. Workers must be well-educated to develop and apply new and innovative knowledge, which requires quality public education or a good private market in education. Beyond innovative processes, the burden of bureaucracy and regulation together with the prev- alence of rent-seeking activity affect the profitability of businesses generally and, more specifi- cally, whether they have an incentive to innovate and commercialise new knowledge. In addition to domestic institutions, internationally focused policies (immigration, trade barriers) determine the extent to which a country can draw on global talent and resources for innovation. As indispensable as they are, it is a mistake to attribute a country's innovative success solely to intellectual property right ree riding is consumption or use of a good or service by those who do not pay, and it can hap- pen when that good or service is non-excludable. Institutional free riding, the concept this article develops, is the wilful misappropriation of economic surplus from one country by firms or a government in another country that lacks the institutions that resulted in that surplus. By this definition, it only occurs when institutions differ between countries, however this difference may not automatically give rise to institutional free riding. Under this definition, institutional free riding is a wilful, not accidental, choice by both governments and firms. Firms must make an active choice to misappropriate economic surplus generated by another country's institutions. Governments of countries that lack these institutions must also make an active choice to permit or encourage firms to practise this misappropriation. A government that is unable to stop its firms from free riding is not making an active choice. Because institutional free riding involves misappropriation of rival surplus, it is analogous to theft. However, like any crime, theft is defined and punished by sovereign states within their own borders. Institutional free riding is unique in that it occurs during trade between countries. Conceptually, theft and institutional free riding are similar, but theft often connotes activity that sharply differs from the free riding tactics in this paper, which are described in subsec- tions 3.3 and 3.4. For this reason, ‘theft’ is a semantically tenuous description. For examples of institutional free riding other than IP (see subsection 3.3), ‘theft’ in its traditional sense does not describe institutional free riding

#### Theft is non-universalizable – if everyone could steal whatever private property they wanted, the property is no longer the owner’s and thus becomes public, creating a contradiction.

#### 3] Taking away intellectual property is a contradiction in conception, since if every agent was able to take the intellectual property no one would make IP since there’s no incentive to so there’d be no IP to steal.

### Overview

#### 1] We hijack your framework – critique cannot be divorced from Kantian thinking. A priori reason is necessary to identify oppressive beliefs.

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

#### Kant solves oppression – we recognize the agency and rationality of the oppressed and argue that they ought to have freedom of will and judgement. Independent voters about how rationality is exclusionary presuppose that certain minority groups aren’t capable of reasoning which itself is racist and turns them.

#### 2] Only Kantianism can create binding reasons to actually not be oppressive, as any other system of ethics allows for individuals to continually asking why they ought to be moral – that’s regress argument.

#### Frame the round through ideal theory – nonideal and ideal theory are compatible but ideal theory’s a prerequisite.

**Shelby 13** [Tommie Shelby, “Racial Realities and Corrective Justice: A Reply to Charles Mills,” *Critical Philosophy of Race*, Vol. 1, No. 2 (2013), pp. 145-162] AG

On the Rawlsian view, **injustices are** conceptualized as **deviations from the ideal principles of justice, in much the same way that fallacious reasoning is conceived as a deviation from the rules of logical inference**. An injustice is a failure on the part of individuals or social arrangements to satisfy what the ideal principles of justice demand. Thus, **charges of injustice presuppose ideals of justice, which particular individuals and institutions can and often do depart from**. Such deviations can be small or great, minor or serious, and **depending on the** size and nature of **the gap between ideals and practice** (and also on whether these deviations are avoidable or blameworthy), **different remedies will be required. Nonideal theory specifies and justifies the principles that should guide our responses to such deviations from ideal justice**.17 Within nonideal theory (and here I focus on domestic rather than global justice), we should distinguish at least four sets of principles: 1. Principles of reform and revolution: the principles that should guide efforts to bring an unjust institutional arrangement more in line with justice such that the society’s members have a more just (though not necessarily perfectly just) society within which to live. 2. Principles of rectification: the principles that should guide the steps a society takes to remedy or make amends for the injuries and losses the oppressed have suffered as a result of past injustice. 3. Penal principles: the principles that should guide the policies a society relies on when responding to individual noncompliance with what justice requires (e.g., principles for punishment, detention, and deportation). 4. Political ethics: the duties and permissions individuals have under unjust social conditions, that is, the principles that should guide their response to injustice. Rawls’s theory provides some direction for (1) and (4), and some limited guidance for (3). But he provides almost no help with (2). And it is (2)—principles of rectification—that is Mills’s chief concern and the main concern of many black radicals. Most of my work has focused on principles of reform and revolution and political ethics (particularly the political ethics of the oppressed), and on the relationship between the two. Yet I certainly see value in work defending principles of rectification Indeed, we can view the principles of reform and revolution and the principles of rectification as jointly constituting a theory of corrective justice. Principles of type (1) have to do with altering the basic structure of a society so that it better approximates a well-ordered society. Type (2) principles address the need to make amends to those burdened and harmed by unjust basic structures. Type (1) principles are forward looking, oriented toward establishing a just society. Type (2) principles are backward looking, oriented toward settling unpaid moral debts. To see that (1) and (2) are distinct it is enough to observe that one could fully pay reparations to the victims of past racial injustice and yet their society remain unjust, including racially unjust. Rawls is concerned with corrective justice, but he thinks of it as encompassing more than laying down principles for making amends to the victims of past injustice. He conceives of it as also including the philosophical arm of reform or revolutionary efforts to establish a society regulated by a mutual commitment to justice, a well-ordered society. When the principles of justice function as a goal of reform or revolution, what the reformers and revolutionaries are ultimately aiming at is this: a society in which the principles are fully realized in its institutions and citizens support and comply with institutional rules because these are in accord with their shared conception of justice. It is in this way that ideal theory serves as a guide for nonideal theory. Mills might accept this more expansive conception of corrective justice and even concede that Rawls’s ideal theory can aid us in its development. But I suspect he would still have doubts about ideal theory’s helpfulness in developing the rectificatory dimension of nonideal theory. After all, Rawls’s two principles are supposed to provide a basis for citizens to judge the validity of their claims of justice on their social system. One kind of claim citizens may make (on their own behalf or on behalf of others) is that they or others are due reparations for harms they have incurred as a result of serious injustice. Does Rawls provide any guidance for judging the validity of such claims? Mills is skeptical. He asserts, “Surely forty years is long enough—especially in a society to whose creation racism has been central—for there to be a significant body of work by now showing how one derives principles of rectificatory racial justice (a “pressing and urgent matter” [Rawls, Theory, 9] if ever there was one) from the idealtheory principles!” (23, note 6) In reply I would note that serving as a guide for nonideal theory is not the same as serving as a set of axioms from which theorems of rectification can be directly deduced. I doubt that ideal theory could play this latter justificatory role. And it should not surprise us if auxiliary precepts of justice were required for a fully adequate theory of compensatory justice. (The same would presumably be true of penal principles. After all, one cannot strictly derive a principle of proportionality in punishment from the two principles of justice either.)18 What ideal theory can provide, however, are evaluative standards for judging when such rectification is prima facie called for—namely, when culpable violations of the principles of justice have caused serious and identifiable harm. The ideal principles (particularly the equal liberty principle) help to explain what was wrong with, say, Jim Crow and Apartheid and why the damage they did to their victims warrants various corrective measures, perhaps including reparations. The trouble with **Mills**’s view is that he **regards nonideal theory as independent of ideal theory**, indeed as an alternative to it. **But nonideal theory—the study of the principles that should guide our responses to injustice—cannot succeed without knowing what the standards of justice are** (**and** perhaps also **what justifies these standards**). It is not clear how we are to develop a philosophically adequate and complete theory of how to respond to social injustice without first knowing what makes a social scheme unjust. **When dealing with gross injustices, such as slavery, we may** of course be able to **judge correctly that a social arrangement is unjust** simply **by observing it** or having it described to us, **relying exclusively on our pre-theoretic moral convictions**. We don’t need a theory for that. **But with less manifest injustices, or when our political values seem to conflict, or when we’re uncertain about what justice requires, or when there is great but honest disagreement about whether a practice is unjust, we won’t know which aspects of a society should be altered in the absence of a more systematic conception of justice**. Without a set of principles that enables us to identify the injustice-making features of a social system, we could not be confident in the direction social change should take, at least not if our aim is to realize a fully just society.

### Offense