# 1NC

## 1 – Theory

**Interpretation: the 1AC may not justify indexicals.**

**Violations: They do in point 2 of perspectivism and point 3 of prefer additionaly**

1. **Repugnant**
2. **Moots 1NC offense and response to one of their contentions**
3. **Strat skew – creates a 2:1 skew because I have to respond to offense under 2 frameworks**
4. **Clash – quantity over quality**

**DTD**

**No RVI**

**CI**

## 2 – Kant

**The meta-ethic is non-naturalism (A2 Util)**

1. **Is-ought fallacy: even if you win that something is experienced as “good” in the natural world, that doesn’t provide any reason that it is good. This proves the necessity of a higher-order framework to determine why we have the obligation to pursue things we experience as good.**
2. **The open question argument: Suppose X represents a natural property like pleasure. If X is analytically equivalent to good, then the question “Is it true X is good” becomes “Is it true good is good.” This either means A) Naturalistic frameworks result in a tautology of “Good is good” or b) X is not the same as good in which case non-naturalism is true.**
3. **Cartesian Skepticism: Our physical senses aren’t epistemically reliable because we could always be deceived by an evil demon or some other phenomenon. Only a priori knowledge is reliable because we know that we are thinking insofar as we must think to know about our thoughts. We only know that we ourselves exist so therefore truths must be created by each separate individual’s mind.**
4. **Only non-naturalism solves determinism: if we are motivated by things in the natural world, then the natural world must determine every action we take. Either non-naturalism is true and morality is a priori, or determinism is true and there isn’t any possibility of moral decision-making.**

**Therefore, practical reason must be the basis of ethics..**

#### The problem of regress: only reason can solve

Velleman ‘06

Velleman, David J. A Brief Introduction to Kantian Ethics. Cambridge University Press, 2006, archive.nyu.edu/handle/2451/34651.

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 as "Why should I act for reasons?" Shouldn't this question open up a route of escape formal 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[s]—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. The foregoing argument doesn't show that the requirement to act for reasons is inescapable. All it shows is that this requirement cannot be escaped in a particular way: we cannot escape the requirement to act for reasons by insisting on reasons for obeying it. For all that, we still may not be required to act for reasons. Yet the argument does more than close off one avenue of escape from the require men to act for reasons. It shows that we are subject to this requirement if we are subject to any requirements at all. The requirement to act for reasons is the fundamental requirement, from which the authority of all other requirements is derived, since the authority of other requirements just consists in there being reasons for us to obey them. There may be nothing that is required of us; but if anything is required of us, then acting for reasons is required .Hence the foregoing argument, though possibly unable to foreclose escape from the requirement to act for reasons, does succeed in raising the stakes. It shows that we cannot escape the requirement to act for reasons without escaping the force of requirements altogether. Either we think of ourselves as under the requirement to act for reasons, or we think of ourselves as under no requirements at all. And we cannot stand outside both ways of thinking and ask for reasons to enter into one or the other, since to ask for reasons is already to think of ourselves as subject to requirements

1. **Action Theory – Every action can be broken down to infinite amounts of movements, i.e. me moving my arm can be broken down to the infinite moments of every state my arm is in. Only reason can unify these movements because we use practical reason to achieve our goals, which means all actions collapse to reason.**
2. **Inescapability: People inevitably use practical reason when making ethical choices because there is no other way to provide an explanation for why we act the way we do. Supporting any ethical framework is a process of reasoning because we use things like logic and explanation.**

#### That justifies following universalizable laws without contradictions:

#### Absent universal ethics morality becomes arbitrary and fails to guide action, making ethics useless

#### A priori principles like reason apply to everyone since they are independent of human experience. Just like 2+2 is always 4, moral truths generated by practical reason must always be true.

#### Any non-universalizable norm justifies someone’s ability to impede on your ends i.e. if I want to eat ice cream, I must recognize that others may affect my pursuit of that end and demand the value of my end be recognized by others. This also makes universalizability a side-constraint on ends-based frameworks.

#### It’s impossible to will a violation of freedom since deciding to would will incompatible ends since it logically entails willing a violation of your own freedom. Constraints are necessary to retain the value of freedom which implies that one cannot hinder the freedom of others.

#### Thus, the standard is consistency with the categorical imperative.

**Prefer:**

#### 1. 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 a standard without first willing that we can pursue ends free from others.

#### 2. There’s an act/omission distinction – a) Otherwise we’d be held infinitely culpable for every omission which kills any conception of morality b) Omissions are not part of my intent, since it is not an active choice to act and cannot be included in the structure of my action. Therefore, prefer intent based ethics because only they explain the act/omission distinction.

#### 3. Motivation – Only freedom is intrinsically motivational since any other ethic cannot explain why we ought to actualize it; freedom is the means through which we actualize any other end which means even if another ethic is motivational, only reason is a priori.

4. TJFs –

#### [A] Turn Ground – Kantian contention debates are decided by analytical arguments appealing to a priori reasoning, meaning neither side has a default advantage. In contrast any descriptive framework like util or oppression cases start with a structural skew – the offense is merely a description of the world and one side will be closer to the truth

#### [B] Resource Disparities – A focus on statistics and evidence rewards the debaters with the most preround prep which just increases the disparity between large schools with huge evidence files and lone wolves without coaches. A Kantian debate can easily be won without any preround prep as all that is need is analytical arguments.

### Offense

**I negate.**

#### 1] Intellectual property is an inalienable personal right – key to preserving freedom

**Pozzo 6** Pozzo, Riccardo. “Immanuel Kant on Intellectual Property.” Trans/Form/Ação, vol. 29, no. 2, 2006, pp. 11–18., doi:10.1590/s0101-31732006000200002. SJ//DA recut SJKS recut Cookie JX recut Park City NL

Corpus mysticum, opus mysticum, propriété incorporelle, proprietà letteraria, geistiges Eigentum. All these terms mean **intellectual property, the existence of which is intuitively clear because of the unbreakable bond that ties the work to its creator.** The book belongs to whomever has written it, the picture to whomever has painted it, the sculpture to whomever has sculpted it; and this independently from the number of exemplars of the book or of the work of art in their passages from owner to owner. The initial bond cannot change and it ensures the author authority on the work. Kant writes in section 31/II of the Metaphysics of Morals: “Why does unauthorized publishing, which strikes one even at first glance as unjust, still have an appearance of being rightful? Because on the one hand a book is a corporeal artifact (opus mechanicum) that can be reproduced (by someone in legitimate possession of a copy of it), so that there is a right to a thing with regard to it. On the other hand a book is also a mere discourse of the publisher to the public, which the publisher may not repeat publicly without having a mandate from the author to do so (praestatio operae), and this is a right against a person. The error consists in mistaking one of these rights for the other” (Kant, 1902, t.6, p.290). The corpus mysticum, **the work considered as an immaterial good, remains property of the author on behalf of the original right of its creation. The corpus mechanicum consists of the exemplars of the book or of the work of art. It becomes the property of whoever has bought the material object in which the work has been reproduced or expressed.** Seneca points out in De beneficiis (VII, 6) the difference between owning a thing and owning its use. He tells us that the bookseller Dorus had the habit of calling Cicero’s books his own, while there are people who claim books their own because they have written them and other people that do the same because they have bought them. Seneca concludes that the books can be correctly said to belong to both, for it is true they belong to both, but in a different way **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). At the center of the discussion was the practice of reprinting books in a pirate edition after having them reset word after words after an exemplar of the original edition. Given Germany’s division in a myriad of small states, the imperial privilege was ineffective against pirate publishing. Kant and Fichte spoke for the acceptance of the right to defend the work of an author by the usurpations of others so that he may receive a patrimonial advantage from those who utilize the work acquiring new knowledge and/or an aesthetic experience. In particular, Fichte declared the absolute primacy of the moral faculties within the corpus mysticum. He divided the latter into a formal and a material part. “This intellectual element must be divided anew into what is material, the content of the book, the thoughts it presents; and the form of these thoughts, the manner in which, the connection in which, the formulations and the words by means of which the book presents them” (Fichte, 1964, t.I/1, p.411). Fichte’s underlining the author’s exclusive right to the intellectual content of his book – “the appropriation of which through another is physically impossible” (ibid.) – brought him to the extreme of prohibiting any form of copy that is not meant for personal use. In Publishing Considered anew, Reimarus considered on the contrary copyright in its patrimonial aspects as a limitation to free trade: “What would not happen were a universal protection against pirate publishing guaranteed? Monopoly and safer sales certainly do not procure convenient price; on the contrary, they are at the origin of great abuses. The only condition for convenient price is free-trade, and one cannot help noticing that upon the appearance of a private edition, publishers are forced to substantially lower the price of a book” (Reimarus, 1791a, pp.402-3). Reimarus admitted of being unable to argue in terms of justice. Justice was of no bearing, he said, for whom, like himself, considered undemonstrated the author’s permanent property of his work (herein supported by the legislative vacuum of those years). What mattered, he said, was equity. In sum, Reimarus anticipated today’s stance on free use by referring to the principle that public interest on knowledge ought to prevail on the author’s interest and to balance the copyright. Moreover, Reimarus extended his argument beyond the realm of literary production to embrace, among others, the today vital issue of pharmaceutical production on patented receipts. “Let us suppose that at some place a detailed description for the preparation of a good medicine or of any other useful thing be published, why may not somebody who lives in places that are far away from that one copy it to use it for his own profit and but must instead ask the original publisher for the issue of each exemplar?” (Reimarus, 1791b, t.2, pp.584). To sum up, Reimarus’s stance does not seem respondent to rule of law. For in all dubious case the general rule ought to prevail, fighting intellectual property with anti-monopolistic arguments in favor of free trade brings with itself consequences that are not tranquilizing also for the ones that are expected to apply the law. **By resetting literary texts, one could obviously expurgate some errors. More frequently, however, some were added, given the exclusively commercial objectives of the reprints. The valid principle was, thus, that reprints were less precise than original editions, but they were much cheaper for the simple reason that the pirate publisher had a merely moral obligation against the author and the original publisher. In fact, he was not held to pay any honorarium to the author upon handling over the manuscript, nor to paying him royalties, nor to pay anything to the original publisher. The** only expense in charge of the pirate publisher was buying the exemplar of the original edition out of which he was to make, as we say today, a free use.

#### 2] The aff is non-universalizable because IP rights are good in general – they value freedom and promote innovation

**Van Dyke 18** Raymond Van Dyke, 7-17-2018, "The Categorical Imperative for Innovation and Patenting," IPWatchdog, <https://www.ipwatchdog.com/2018/07/17/categorical-imperative-innovation-patenting/id=99178/> SJ//DA recut SJKS recut Park City NL

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.

## Case

1. **Indexicals negate if I have any proof the aff is bad under a framework – logic goes both ways**
2. **Indexicals wrong because they can’t prove that their one index outweighs others**

### Pragmatism

**Perspectivism**

1. **Takes out prag because some perspectives think prag is wrong**
2. **We know some moral truths – it’s agreed upon that killing is generally bad, so moral debates can be resolved**

**Opacity – we can access it by thinking of them as a reasonable person, practical reason proves this wrong**

**Resolvability – moral consensus exists and voting doesn’t mean something is 100% true, just that someone has made it true in the round**

**Subjectivity – this is true and why we recognize the value of others under kant**

**Deliberation**

1. **It fails – we’ve been doing it for centuries and still have unethical practices**
2. **Serra 09 justifies self-reflection, which is closer to reason than public deliberation**
3. **Can’t produce ought statements – people disagreeing doesn’t mean that it’s inherently ethical when they do agree**

**A2 pluralistic Materialism – pluralism’s wrong because perspectivism’s wrong**

**A2 pluralism inevitable – we should try to find a single moral consensus**