# NC – Shell

#### Interpretation: If the affirmative defends a consequentialist framework, they must explicitly delineate which theory of the good they defend in the form of a text in the 1ac.

#### Each nuance of the ethic entails different obligations and would exclude different offense – there are 7 different versions.

**Mastin** [Luke Mastin, Consequentialism, The basics of philosophy <http://www.philosophybasics.com/branch_consequentialism.html>] //Massa

Some **consequentialist theories include**: Utilitarianism, which holds that an action is right if it leads to the most happiness for the greatest number of people ("happiness" here is defined as the maximization of pleasure and the minimization of pain). **Hedonism**, **which** is the philosophy **[holds] that pleasure** **is** the **most important** pursuit of mankind, **and** that **individuals** **should** strive to **maximise** **their own total** **pleasure** (net of any pain or suffering). **Epicureanism** is a more moderate approach (which still seeks to maximize happiness, but which **defines happiness** more **as a** **state of tranquillity** than pleasure). **Egoism, which holds that an action is right if it maximizes good for the self.** Thus, Egoism may license actions which are good for an individual even if detrimental to the general welfare. **Asceticism**, in some ways, **the opposite of Egoism in that it describes a life characterized by abstinence from egoistic pleasures** especially **to achieve a spiritual goal. Altruism**, which **prescribes that an individual take actions that have the best consequences for everyone except for himself**, according to Auguste Comte's dictum, "Live for others". Thus, individuals have a moral obligation to help, serve or benefit others, if necessary at the sacrifice of self-interest. **Rule Consequentialism**, which is a theory (sometimes seen as an attempt to reconcile Consequentialism and Deontology), **[holds] that moral behaviour involves following certain rules**, but that those rules should be **chosen** based **on** the **consequences that** the selection of **those rules have**. Some theorists holds that a certain set of minimal rules are necessary to ensure appropriate actions, while some hold that the rules are not absolute and may be violated if strict adherence to the rule would lead to much more undesirable consequences. **Negative Consequentialism**, which **focuses on minimizing bad consequences rather than promoting good consequences**. This may actually require active intervention (to prevent harm from being done), or may only require passive avoidance of bad outcomes.

#### B. Violation: They don’t and maximizing expected well-being doesn’t cut it.

**Crisp**, Roger, "Well-Being", *The Stanford Encyclopedia of Philosophy*(Fall **2017** Edition), Edward N. Zalta (ed.), URL = <https://plato.stanford.edu/archives/fall2017/entries/well-being/>. //Massa

Well-being is most commonly used in philosophy to describe what is non-instrumentally or ultimately good *for* a person. **The question of what well-being consists in is of independent interest**, but it is of great importance in moral philosophy, especially **in the case of utilitarianism**, according to which the only moral requirement is that well-being be maximized. Significant challenges to the very notion have been mounted, in particular by G.E. Moore and T.M. Scanlon. **It has become standard to distinguish theories of well-being as either hedonist theories, desire theories, or objective list theories**. According to the view known as welfarism, well-being is the only value. Also important in ethics is the question of how a person’s moral character and actions relate to their well-being.

#### C. Standards:

#### 1. Shiftiness – They can shift out of my turns based on whatever theory of the good they operate under due to the nature of a vague standard. Especially true because the warrants for their standard could justify different versions of consequentialism as coming first and I wouldn’t know until the 1ar which gives them access to multiple contingent standards.

#### 2. Strat – I lose 6 minutes of time during the AC to generate a strategy because I don't know what turns or strategy I can go for during the 1N absent which proves CX doesn’t check since it would occur after the skew.

#### 3. Resolvability – Makes the round irresolvable since we can’t weigh different mechanisms for the good – Benatar would probably link harder under a hedonistic conception of util – weighing ground is key since it ensures we can compare arguments that clash to access the ballot.

#### Voters

**I’ll concede fairness and education. Drop the debater - severance kills 1NC strat construction—1AR restart favors aff since it’s 7-6 time skew and they get 2 speeches to my one. No rvi - a) they’ll bait theory and prep it out with aff infinite prep—justifies infinite abuse and chilling us from checking abuse in fear of things like 2ar ethos which lets them recontextualize and always seem right on the issue b) forces the NC to go 7 minutes of theory because nothing else matters--outweighs because its the longest speech and the 2nr can never recover since the nc is our only route to generate offense. Competing interps - a) reasonability’s arbitrary & forces judge intervention especially with 2ar recontextualizations to always sound like the more reasonable debater b) norm setting - we find the best possible norms c) reasonability collapses - you use offense/defense paradigm to evaluate brightlines**

**Off the underview – if the shells are friv, you can beat them easily – no rvis outweighs since they could bait infinite abuse in the 1ac and I’d have no way of rectifiying that abuse so it affects more speeches, not reading T so the warrant doesn’t apply**

**Neg theory comes before 1ar theory – my abuse is reactive to yours, you know what shells you violate before round so you shodl be prepped and sovles for 2ar abuse**

**Yes 2n theory – otherwise you could have infinitne abuse in the 1ar lie running 10 shells and having ur speech be 10 minutes**

# NC – Kant

#### The metaethic is practical reason. Prefer:

#### First, inescapability – the exercise of practical rationality requires that one regards it as intrinsically good – that justifies a right to freedom.

Wood [Allen W. Wood, (Stanford University, California) "Kantian Ethics" Cambridge University Press, 2007, https://www.cambridge.org/core/books/kantian-ethics/769B8CD9FCC74DB6870189AE1645FAC8, DOA:8-12-2020 // WWBW]//rct st

Kant holds that the most basic act through which people exercise their practical rationality is that of setting an end (G 4:437). To set an end is, analytically, to subject yourself to the hypothetical imperative that you should take the necessary means to the end you have set (G 4:417). This is the claim that you rationally ought to do something whether or not you are at the moment inclined to do it. It represents the action of applying that means as good (G 4:414) – in the sense of “good” that Kant explicates as: what is required by reason independently of inclination (G 4:413). Kant correctly infers that any being which sets itself ends is committed to regarding its end as good in this sense, and also to regarding the goodness of its end as what also makes application of the means good – that is, rationally required independently of any inclination to apply it. The act of setting an end, therefore, must be taken as committing you to represent some other act (the act of applying the means) as good. In doing all this, however, the rational being must also necessarily regard its own rational capacities as authoritative for what is good in general. For it treats these capacities as capable of determining which ends are good, and at the same time as grounding the goodness of the means taken toward those good ends. But to regard one’s capacities in this way is also to take a certain attitude toward oneself as the being that has and exercises those capacities. It is to esteem oneself – and also to esteem the correct exercise of one’s rational capacities in determining what is good both as an end and as a means to it. One’s other capacities, such as those needed to perform the action that is good as a means, are also regarded as good as means. But that capacity through which we can represent the very idea of something as good both as end and as means is not represented merely as the object of a contingent inclination, nor is it represented as good only as a means. It must be esteemed as unconditionally good, as an end in itself. To find this value in oneself is not at all the same as thinking of oneself as a good person. Even those who misuse their rational capacities are committed to esteeming themselves as possessing rational nature. It also does not imply that a more intelligent person (in that sense, more “rational”) is “better” than a less intelligent one. The self-esteem involved in setting an end applies to any being capable of setting an end at all, irrespective of the cleverness or even the morality of the end setting. Kant’s argument supports the conclusion, to which he adheres with admirable consistency throughout his writings, that all rational beings, clever or stupid, even good or evil, have equal (absolute) worth as ends in themselves. For Kantian ethics the rational nature in every person is an end in itself whether the person is morally good or bad.

#### Second, value theory – the existence of extrinsic goodness requires unconditional human worth.

Korsgaard (Christine M., “Two Distinctions in Goodness,” The Philosophical Review Vol. 92, No. 2 (Apr., 1983), pp. 169-195, JSTOR) OS \*bracketed for gen lang\* //rct st

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

#### Third, practical reason – ethical principles must be derived from the structure of reason:

#### [1] Regress – we can always ask why we should follow a theory, so they aren’t binding because they don’t have a starting point. Practical reason solves – When we ask why we should follow reason, we demand a reason, which concedes to the authority of reason itself, so it’s the only thing we can follow

#### [2] 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, means all actions collapse to reason

#### Practical reason means we all have a unified perspective: What can be justified to me can be justified to everyone who is a practical reasoner. If I can conclude that 2+2 is 4, then I understand not only that I know 2+2 is 4, but that everyone around me can arrive at the same conclusion. These things are temporally consistent: I know that me adding two numbers now and taking that sum will not result in me adding the same two numbers in the future and getting a different sum. Our unified perspective does not change but rather stays consistent.

#### But, willing an action that violates the freedom of others is a contradiction: If I decide to kill someone, that action is not universalizable because that would justify other people killing me too. If I die, I cannot exercise my freedom to kill someone else. This is a contradiction: I both justify extending my freedom to kill others and limiting my own freedom.

#### Thus, the standard is respecting freedom.

#### Impact calc –

#### 1] Ethics are based on intent, but the state does not have intentions and cannot know the intentions of other agents. Instead, the state acts a procedural mechanism to punish those who violate rights claims. Those rights are derived from the structure of intent.

#### 2] The state does not have the authority to act to preempt future rights violations, because consequences of action are contingent and cannot be derived from the structure of the maxim on which one acts. Thus, the state does not have the jurisdiction to take them into account.

#### 3] There is an act-omission distinction –

#### [a] Infinite Regress – Ethics cannot hold agents accountable for an infinite number of untaken decisions, otherwise that would impair action because agents would simultaneously have an infinite number of obligations. [b] Illogical – we wouldn’t hold an agent who chooses a morally repugnant act equally culpable as an agent who chooses not to prevent a morally repugnant act, like saving a drowning baby from a pool. [c] Omissions aren’t intrinsic to the will because agents don’t proactively choose not to take certain actions, e.g. you don’t wake up and say, “Today is my day to not donate to charity!” – so we shouldn’t hold agents morally accountable for these omissions.

#### Negate –

**[1] Property rights – putting limits on the economic uses of intellectual property creates a contradiction – the concept of property is violated if you aren't allowed to control how you use it.**

Pozzo**,**6 (Riccardo Pozzo, Riccardo Pozzo is an Italian philosopher and historian of philosophy., 11-18-2006, accessed on 8-12-2021, Scielo, "IMMANUEL KANT ON INTELLECTUAL PROPERTY", [https://www.scielo.br/j/trans/a/rLfb3yPN3p4KPsYpxp8LQCp/?format=pdf&lang=en)\*brack](https://www.scielo.br/j/trans/a/rLfb3yPN3p4KPsYpxp8LQCp/?format=pdf&lang=en)*brack)eted for gen lang\*//st

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 [their] work confers [them] a moral right that is indeed a personal right. It is also a right to exploit economically [their] 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 Trans/Form/Ação, São Paulo, 29(2): 11-18, 2006 13 that contains them and put it into our library.

#### It doesn’t matter if it’s intellectual property – the concept of intellectual property is the same as physical property – property as a concept is something that a person owns and can control unconditionally given that it doesn’t violate someone else’s freedoms, so IP qualifies.

#### [2] Act-omission distinction – not giving someone is an omission, otherwise we would have infinite obligations to tell everyone everything – pharma companies can’t be held accountable for doing functionally nothing so the state has no obligation to enact rules on it.