# 1ac – universal freedom

#### The metaethic is constitutivism.

Internalist ethics fail since they can’t have universal obligations which means not everybody has the same conception of morality

Externalist ethics fail since it is completely nonbinding and doesn’t motivate agents since it begs the question of why they exist and why we care.

The solution is constitutivism which derives ethics from the immutable features of agents.

And, practical reason is constitutive.

#### [1] Regress – every moral theory can be infinitely questioned which proves its base nonbinding since any agent can opt out of it. Reason sovles since asking for a reason concedes its authority. Bindingness matters since otherwise morality would be optional and cannot explain goodness.

#### [2] Hijacks – All actions concede reason since to obtain goodness, you need to be able to take action and set and pursue ends meaning reason is the source of all value.

#### [3] Is/Ought Gap – experience just describes how the world is but doesn’t indicate how it ought to be which means there must be an a priori conception of good

#### [4] Agency is inescapable – we can shift between different identities over time but that shift is an instance of agency, and it also takes practical reason to see which enterprises are most desirable.

#### Thus, we share a unified perspective – everyone around me must arrive at the same conclusions through the use of reason. It’s incoherent to say 2+2=4 for me but not you.

#### However, freedom is a necessary right because violating someone’s freedom creates a contradiction in conception. We cannot will the extension of our freedom since it justifies others doing it to us

Engstrom [Stephen Engstrom, (Professor of Philosophy @ the University of Pittsburgh) "Universal Legislation as the Form of Practical Knowledge" http://www.academia.edu/4512762/Universal\_Legislation\_As\_the\_Form\_of\_Practical\_Knowledge, DOA:5-5-2018 WWBW// recut]

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.  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 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. These judgments are inconsistent insofar as the extension of a person’s outer freedom is incompatible with the limitation of that same freedom.

#### And, All agents must accept the state as necessary to enforce rights claims.

Ripstein 04 [Arthur Ripstein, (University Professor of Law and Philosophy, [University of Toronto](https://scholar.google.com/citations?view_op=view_org&hl=en&org=8515235176732148308)) "Authority and Coercion" Philosophy & Public Affairs, 32: 2–35, 2004, http://onlinelibrary.wiley.com/doi/10.1111/j.1467-6486.2004.00003.x/abstract, DOA:12-16-2017 // WWBW//recut]

Kant explains **the need for** the three branches of **government** in Rousseau’s vocabulary **of the “general will.” Kant finds this concept helpful, since it manages to capture the way in which the specificity of the law and the monopoly on [the law’s] its enforcement do not thereby make it the unilateral imposition of one person’s will upon another. Instead, it is what Kant calls an “omnilateral” will, since all must agree to set up procedures that will make right possible**. All must agree, because **without such procedures, equal freedom is impossible**, and so the external freedom of each is impossible. But the sense in which they must agree is not just that they should agree**; it is that they cannot object to being forced to accept those procedures, because any objection would be nothing more than an assertion of the right to use force against others unilaterally.** Once the concept of the General Will is introduced, it provides further constraints on the possibility of a rightful condition, and even explains the ways in which a state can legitimately coerce its citizens for reasons other than the redress of private wrongs. Kant’s treatment of these issues of “Public Right” has struck many readers as somewhat perfunctory, especially after his meticulously detailed, if not always transparent, treatment of private right. He treats these issues as he does because he takes them to follow directly from the institution of a social contract. The details of his arguments need not concern us here, because he does not claim that these exhaust the further powers of the state. Instead, he puts them forward as additional powers a state must have if it is to create a rightful condition, and it is the structure of that argument that is of concern here.

#### Thus the standard is consistency with a system of equal freedoms.

#### Impact Calc:

#### The standard is non consequentialist so the state has no right to try to predict rights violations, it can only punish ongoing ones since it doesn’t understand intent. Prefer for action theory – any action can be split into infinite smaller actions. When I am eating a sandwich it is infinitely small movements of my arm. Only reason unifies those actions. This is necessary for ethics because it requires a judgement of a coherent action.

#### Prefer additionally:

#### [1] Consequentialism fails – A] Induction fails – 1. saying that induction works relies on induction itself because it assumes that past trends will continue, which means it’s circular and unjustified 2. It assumes specific causes of past consequences which can’t be verified as the actual cause B] Butterfly effect - every action has infinite consequences so it is impossible to evaluate an action; one government policy could end up causing nuclear war in a million years. C] Aggregation is impossible – pleasure and pain are subjective – we have no idea how many headaches equal a migraine D] Infinite obligations – I have infinite obligations to maximize pleasure with no way to order them which freezes action.

#### [2] Performativity – contesting the fw needs freedom which concedes its authority since you couldn’t do it without freedom.

#### [3] Solves oppression because it is caused by arbitrary exclusion of others – only universalizability makes sure that we include everyone equally. Farr 02

Farr, Arnold. Can a Philosophy of Race Afford to Abandon the Kantian Categorical Imperative? 2002, blog.ufba.br/kant/files/2009/12/Can-a-Philosophy-of-Race-Afford-to-Abandon-the.pdf. from ben

The attack on Kantian formalism began with Hegel’s criticism of the Kantian philosophy.14 The list of contemporary theorists who follow Hegel’s line of criticism is far too long to deal with in the scope of this paper. Although these theorists may approach the problem of Kantian formalism from a variety of angles, the spirit of their criticism is basically the same: The universality of the categorical imperative is an abstraction from one’s empirical conditions. Kant is often accused of making the moral agent an abstract, empty, noumenal subject. Nothing could be further from the truth. **The** Kantian **subject is an embodied, empirical, concrete subject.** However, this concrete subject has a dual nature. Kant claims in the Critique of Pure Reason as well as in the Grounding that human beings have an intelligible and empirical character.15 It is impossible to understand and do justice to Kant’s moral theory without taking seriously the relation between these two characters. The very concept of morality is impossible without the tension between the two. By “empirical character” Kant simply means that we have a sensual nature. **We are physical creatures with physical drives or desires. The very fact that I cannot simply satisfy my desires without considering the rightness or wrongness of my actions suggests that my empirical character must be held in check by something,** or else I behave like a Freudian id. **My empirical character must be held in check by my intelligible character, which is the legislative activity of practical reason. It is through our intelligible character that we formulate principles that keep our empirical impulses in check. The categorical imperative is the supreme principle of morality that is constructed by the moral agent in his/her moment of self-transcendence**. What I have called self-transcendence may be best explained in the following passage by Onora O’Neill: **In restricting our maxims to those that meet the test of the categorical imperative we refuse to base our lives on maxims that necessarily make our own case an exception. The reason why a universilizability criterion is morally significant is that it makes our own case no special exception** (G, IV, 404). In accepting the Categorical Imperative we accept the moral reality of other selves, and hence the possibility (not, note, the reality) of a moral community. The Formula of Universal Law enjoins no more than that we act only on maxims that are open to others also.16 O’Neill’s description of the universalizability criterion includes the notion of self-transcendence that I am working to explicate here to the extent that like self-transcendence, **universalizable moral principles require that the individual think beyond his or her own particular desires. The individual is not allowed to exclude others as rational moral agents who have the right to act as he acts in a given situation**. For example, if I decide to use another person merely as a means for my own end I must recognize the other person’s right to do the same to me. I cannot consistently will that I use another as a means only and will that I not be used in the same manner by another. Hence, **the universalizability criterion is a principle of consistency and a principle of inclusion.** That is, in choosing my maxims I attempt to include the perspective of other moral agents.

#### [4] Ideal theory is preferable to non-ideal theory.

#### A] Goals – Ideal theory is the only way to identify what future we want. If we do not know what the ideal condition is, it becomes impossible to know what is non-ideal. Only through knowing what is the best can we know what is comparatively bad.

#### B] Is-ought gap – nonideal theories can only tell us what is not what ought to be. It fails to prescribe action after the problem is sovled.

#### [**5**] Humanity is the ultimate center of ethics so we hijack other frameworks because morality only matters because of humanity.

Korsgaard 83, Christine M (Prof of Phil @ Harvard University). "Two distinctions in goodness." The Philosophical Review 92.2 (1983): 169-195. brackets for gendered language

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.

#### I defend the resolution as a general principle – resolved: the member nations of the wto ought to reduce intellectual property protections for medicines. I am willing to shift my advocacy in cx as long as I don’t have to abandon my maxim.

#### Offense:

#### Under the fw, freedom is the base of all rights. If the aff proves intellectual property rights is not a necessary extension of freedom, then it is a violation of equal and outer freedoms because IP protections coercively prevent people from making certain medicines.

#### Affirm:

#### Property only exists as an extension of one’s right to set and pursue ends which means it can only apply to physical objects – your use of intellectual property could never hinder my freedom because both of us can use it!

Ripstein 09 Ripstein, Arthur. University Professor of Law and Philosophy, [University of Toronto](https://scholar.google.com/citations?view_op=view_org&hl=en&org=8515235176732148308). "Force And Freedom." Harvard University Press. 2009. <http://www.jstor.org/stable/j.ctt13x0hb0>. Cut from WWBW

The nature of a property right is structured by the basic requirement of a system of equal freedom in a world in which free persons can use things other than their bodies to set and pursue their purposes. That is why, as we saw in the previous chapter, property rights constrain others in ways parallel to the way rights to your own person constrain others. Your body is your person, and it constrains others because it is that through which you act, your capacity to set and pursue purposes, and any interference with your body interferes with that capacity [to act]. Your property constrains others because it comprises the external means that you use in setting and pursuing purposes; if someone interferes with your property, he thereby interferes with your purposiveness. The same point can be made through the distinction, from Chapter 2, between a person’s means and the context in which that person uses them. A changed context raises no issues of right, because it is the inevitable result of people’s exercise of their freedom. A system of property is a system in which persons have rights to means others than their bodily powers, and others may not change those means or their availability. If you could not have a right to something in your absence, everything except your bodily powers would be mere context, subject to the choice of others. The relation of property to setting and pursuing purposes underlies both its rationale and its structure. Freedom requires that external means that can be used in setting and pursuing purposes be available formally: an owner’s entitlement to use them does not depend on the matter of the owner’s or any other particular person’s choice. For the same reason, a property right needs to constrain others even when the owner is not in physical possession of an object. Otherwise whether an object was available to the owner to set and pursue purposes would depend on the particular choices of others, and so violate the formality condition. As a matter of fact, you may be able to set yourself the end of making a mushroom omelet without having rights to objects that are not in your physical possession, but you could not have an entitlement against others to set yourself the end of making one. If there were no such rights, someone else would be entitled to take the eggs you had gathered while you were sautéing the mushrooms, and you would not be entitled to do anything to stop her. Your entitlement to set and pursue purposes would thus depend on the particular choices made by another. Again, the fact that some other person needs or wants what you have more than you do, could use it more effectively than you, or could gain from using it more than you would lose is of no significance. The simplest wrong against property is using what belongs to another without the owner’s permission. Kant’s account explains why this is a wrong without inquiring into the magnitude of the loss (if any) suffered by the owner, or the benefits the trespasser hoped to gain. Any account that focuses on specific uses—the matter of choice—must regard such a rule as wasteful, since it forbids a transaction that makes one party better off and the other no worse off. In the vocabulary of economic theory, a harmless trespass is a Pareto improvement: one person is made better off, and no other person is made worse off.8 Perhaps a material analysis, focusing on need or wish, could generate a rule against trespass by reference to secondary problems about the resources people would waste in protecting their property, and so conclude that there are grounds for a general rule that sometimes prohibits people from doing harmless and even worthwhile things.9 Kant’s approach is different: the reason harmless trespasses are prohibited is that they violate the owner’s right to determine how his or her property will be used.

#### That affirms since property rights exist because if people took away your property, you lose the ability to use it to pursue ends. But, it doesn’t apply to intellectual property since other people can take your intellectual property and you can still use it.

#### Ownership requires physical possession and giving a sign of ownership which are both impossible for immaterial objects.

Ripstein 09 Ripstein, Arthur. University Professor of Law and Philosophy, [University of Toronto](https://scholar.google.com/citations?view_op=view_org&hl=en&org=8515235176732148308). "Force And Freedom." Harvard University Press. 2009. <http://www.jstor.org/stable/j.ctt13x0hb0>. Cut from WWBW

Kant’s account thus focuses exclusively on the transition in a thing’s status from unowned to owned, that is, the transition from its being available to all to its being subject to one person’s exclusive choice. The account is boring because the only factual precondition of rightful acquisition of an unowned object is empirical possession of that object. The act in question is simply bringing a thing under your control, so that you can now decide how to use it. Neither improving it nor putting your will into it is required. Improving it is not required because improving an object is only relevant once you have taken possession of it. Until you take possession, improving just fritters away your efforts. The same point applies to what Hegel describes as “putting your will” into an object, at least if this is understood as something different from simply taking possession of it. Wishing for a thing engages your will in a sense that is irrelevant; subjecting it to your choice—making it a means for setting and pursuing your purposes—is established only by taking control of it. Nothing more is required. All you need to do is take physical possession, and give a sign to others that you are doing so in order to have it as your means rather than just for a specific use. These steps are required because they are just the steps in subjecting a thing to your choice. You do not need to improve the object, because improving an object you are already in possession of is just subjecting it to your choice in some specific way. Unless it is already subject to your choice, however, the ways in which you change it—for example, by tiring it out—do not subject it to your choice. At most, they prepare it for subsequent use. Taking control must be public, and so Kant says it requires giving a sign. If others could not determine that you meant to bind them, you cannot bind them. You can use something on a particular occasion without acquiring it or even intending to. You might use a stick to balance as you walk up a rocky path without making it your own. It is not that you acquire it and then immediately abandon it. Instead, you use it only while you are in physical possession of it. In so doing, you make no claim to subject the thing to your choice when you are not in physical possession of it. The second unilateral act (strictly speaking, the second aspect of the same unilateral act) is “giving a sign”: you must make your appropriation of the object in question public, in the sense that others could be bound by it. If you are only using the stick to balance, you do not need to give a sign to others; the fact that you are in physical possession of the stick means that they cannot interfere with the stick while you are using it without thereby committing a wrong against your person. So no other person can grab the stick, making you lose your balance, but the wrong of so doing has nothing to do with the stick as such, and everything to do with the fact that you are currently holding it. On the other hand, if you give a sign, then the person who takes the stick from you wrongs you with respect to the stick as well, and so wrongs you by taking the stick when you put it down. It does not follow from the need for a sign that there needs to be a clear marker on every boundary line; only that in bringing the thing under control you make it apparent to others that you intend to make it your own.

#### This means that you are unable to own intellectual property, so it isn’t any real thing that exists in the world, it’s a concept. Because of that, it violates freedom by restricting other people from using that intellectual property.

#### Reject negative offense about free riding – even if they win it is true it is simply a consequence of the aff, not an intrinsic property of it.

# UV

#### [1] The role of the ballot is to endorse the debater who proves the truth or falsity of the resolution through an ethical framework’s interpretation of the word ought. To clarify, silly tricks will not matter. – Text – five dictionaries define negate as to deny the truth of and affirm as to prove true[[1]](#footnote-1). Text comes first – a) Controls the internal link to fairness since it’s the basis of things like predictability and prep b) Key to jurisdiction since the judge can only endorse what is within their burden c) Even if another role of the ballot is better for debate, that is not a reason it ought to be the role of the ballot, just a reason we ought to discuss it.

#### [2] Reject silly arguments about specification – 1] they don’t matter under the fw 2] I said I was willing to change my advocacy to meet certain theory arguments 3] It has nothing to do with the debate and detracts from educational value. I affirm the whole resolution so there’s nothing that’s relevant to specify. 4] These arguments are regressive because you can ask us to specify an infinite amount of things.

#### [3] K links should be checked in cx because false accusations can be extremely harmful.

1. [http://dictionary.reference.com/browse/affirm, http://www.merriam-webster.com/dictionary/affirm, http://www.thefreedictionary.com/affirm, http://www.vocabulary.com/dictionary/affirm, <http://www.oxforddictionaries.com/definition/english/affirm>

   http://dictionary.reference.com/browse/negate, http://www.merriam-webster.com/dictionary/negate, http://www.thefreedictionary.com/negate, http://www.vocabulary.com/dictionary/negate, http://www.oxforddictionaries.com/definition/english/negate] [↑](#footnote-ref-1)