### Framework

#### Ethics must begin a priori:

#### [A] Naturalistic fallacy – experience only tells us what is since we can only perceive what is, not what ought to be. But it’s impossible to derive an ought from descriptive premises, so there needs to be additional a priori premises to make a moral theory.

#### [B] Constitutive Authority – practical reason is the only unescapable authority because to ask for why we should be reasoners concedes its authority since it uses reason – anything else is nonbinding and arbitrary.

#### [C] Action theory – only evaluating action through reason solves since reason is key to evaluate intent, otherwise we could infinitely divide actions. For example: If I was brewing tea, I could break up that one big action into multiple small actions. Only our intention, to brew tea unifies these actions if we were never able to unify action, we could never classify certain actions as moral or immoral since those actions would be infinitely divisible.

#### That justifies universality –a) a priori principles like reason apply to everyone since they are independent of human experience and – b) 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.

#### 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] Consequences fail: [A] They only judge actions after they occur, which fails action guidance [B] Every action has infinite stemming consequences, because every consequence can cause another consequence. Probability doesn’t solve because 1) Probability is improvable, as it relies on inductive knowledge, but induction from past events can’t lead to deduction of future events and 2) Probability assumes causation, we can’t assume every act was actually the cause of tangible outcomes [C] Every action is infinitely divisible, only intents unify action because we intend the end point of an action – but consequences cannot determine what step of action is moral or not. [D] You can’t aggregate consequences, happiness and sadness are immutable – ten headaches don’t make a migraine

#### [3] Only universalizable reason can effectively explain the perspectives of agents – that’s the best method for combatting oppression.

Farr 02 Arnold Farr (prof of phil @ UKentucky, focusing on German idealism, philosophy of race, postmodernism, psychoanalysis, and liberation philosophy). “Can a Philosophy of Race Afford to Abandon the Kantian Categorical Imperative?” JOURNAL of SOCIAL PHILOSOPHY, Vol. 33 No. 1, Spring 2002, 17–32.

**One** of the most popular **criticism**s **of Kant’s moral philosophy is that it is too formalistic.**13 That is, the universal nature of the categorical imperative leaves it devoid of content. Such a principle is useless since moral decisions are made by concrete individuals in a concrete, historical, and social situation. This type of criticism lies behind Lewis Gordon’s rejection of any attempt to ground an antiracist position on Kantian principles. The rejection of universal principles for the sake of emphasizing the historical embeddedness of the human agent is widespread in recent philosophy and social theory. I will argue here on Kantian grounds that **although a distinction between the universal and the concrete is** a **valid** distinction, **the unity of the two is required for** an understanding of human **agency.** 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 empiri- cal 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 individ- ual 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 ow

#### a) causes inaction in the face of injustice – we’d constantly be fixing injustices as a precondition to ethical action so we never get to the bottom of what is actually ethical

#### b) every ethical theory can be misused – but that isn’t a problem with ethical principles, that is a problem with us – also means we should reclaim the true function of these ethical concepts in places like debate to challenge the way they are misunderstood

#### c) real world injustices need universal ideal principles to ground them and explain why they are wrong. You can’t measure something with a ruler constantly changing length.

#### Thus the advocacy: In a democracy, a free press ought to prioritize objectivity over advocacy.

### Offense

#### [1] Under the categorical imperative, objectivity must always be prioritized because anything else is a contradiction in conception of lying, if a lie were universalized then there would no longer be a conception of truth. This makes objectivity the highest layer that always comes first, even if you are advocating.

#### [2] Any claim that advocacy is constitutive to a free press is impermissible because the function of media is to report information—the constitutive purpose of the media is objective presentation of information because citizens have a right to be informed.

Klein 20 [Ian Klein, J.D. Candidate at the Texas A&M University School of Law, 2020, “Enemy of the People: The Ghost of the F.C.C. Fairness Doctrine in the Age of Alternative Facts.” Hastings Communications and Entertainment Law Journal, https://repository.uchastings.edu/cgi/viewcontent.cgi?article=1809&context=hastings\_comm\_ent\_law\_journal]/Kankee

This scarcity and long history of regulation, combined with the legal fiction of broadcast spectrum scarcity explained in the following paragraphs, is likely enough to overcome this Red Lion hurdle. Second, and more importantly, in the context of the Red Lion holding and the history of broadcast regulation, the concept of scarcity serves to underline the duty of the federal government [is] to make sure that the public has access to objective coverage of important issues.152 Red Lion was the culmination of a decades-long administrative, legislative, and judicial adaptation to the evolving nature of mass communication, during which every branch of the federal government emphasized the right of the public to be informed over the right of broadcasters to disseminate information.153 Since the Radio Act of 1927, broadcasting has been regulated because the public has a right to receive information.154 When the Communications Act supplanted the Radio Act, Congress was determined to require that the newly-created FCC had a duty to “serve the public interest.”155 The F.C.C. noted during its infancy that a democratic society should be given maximum opportunity to express diverse viewpoints on controversial issues, and, importantly, maximum opportunity to hear and read the conflicting view of others.156 As Justice White later wrote for the unanimous Red Lion Court, “[i]t is the right of the public to receive suitable access to social, political, esthetic [sic], moral, and other ideas and experiences which is crucial here . . . [t]hat right may not constitutionally be abridged either by Congress or by the FCC.”157 That right of access, based on the history and tradition of the decisions of both the Court and the FCC, extends not only to access to that information, but to the objective presentation of this information.158 Furthermore, “access” referred to the ability of broadcasters to broadcast information vis-à-vis the chilling effect and self-censorship that opponents of the Fairness Doctrine feared. However, as the Red Lion Court noted, “[i]t is the right of the viewers and listeners, not the right of the broadcasters, which is paramount.”159 The fact that the notion of the public’s right to information was reiterated so often and so prevalently indicates that courts and lawmakers did not consider it incidental to their decisions, but as the governing principle necessitating the entire body of broadcast regulation. Furthermore, as legal scholars such as Mark Lloyd and John Berresford theorize, Red Lion’s Scarcity Principle was not only secondary to the emphasis on the public’s right to be informed, but was intended as dicta, which subsequent courts misinterpreted as the crux of the opinion.160 Lloyd suggests that the scarcity principle was merely “[d]ictum that suggests the Court was aware of the spectrum [of broadcast frequencies] as a public resource,” and that the Red Lion opinion was only about the constitutionality of FCC authority over broadcast licensees.161 According to Lloyd, the Red Lion Court’s determination that there was a scarcity of broadcast frequencies was not the conclusion of an engineering or economic analysis, but was the result of a purely legal analysis based on precedent and the record that centered on previous challenges to FCC authority.162 This is significant because, as Berresford points out in his 2005 FCC Research Paper, “[t]he Scarcity [Principle] appears to assume that there is a physical thing . . . of which there is a scarce amount . . . ‘the radio frequency spectrum,’ however, has no discrete physical existence . . . [t]he Scarcity [Principle] thus appears to be based on fundamental misunderstandings of physics.”163 Arbitrary rules made up by dead racists are nothing compared to the physical laws governing the reality of the known universe. The question of scarcity was thus “dislodged from the question before the Court” in Red Lion: Whether the FCC could constitutionally enforce the Fairness Doctrine.164 If the Scarcity Principle is a legal fiction (based on a scientific one), then Red Lion’s precedential value in upholding Fairness Doctrine 2.0 must rest solely on the end that the very nature of broadcast regulation sought to further from its inception:165 the right of the public to receive objective information.166 Legal Issues Surrounding Online News and Social Media

#### [3] A condition of reason is to be able to formulate ideas and ends based on both your private and public use of reason. This can only happen through public information exchange that is not connected to personal or subjective ties.

**Donald 03** [James Donald, February 3, 2003; KANT, THE PRESS, AND THE PUBLIC USE OF REASON JAMES DONALD James Donald is Professor of Film Studies at the University of New South Wales, email: [J.Donald@curtin.edu.au](mailto:J.Donald@curtin.edu.au). https://javnost-thepublic.org/article/pdf/2003/2/3/]

This, according to Pinkard at least, was the receptive cultural milieu which Kant addressed with this dramatic opening answer to Biester’s question: E**nlightenment is man’s emergence from his self-incurred immaturity**. The motto of enlightenment must be, Sapere Aude! Dare to know. Have the courage to use your own reason (Kant 1991, 54, translation modified). What, though, did using your own reason mean in this context and at that time? And, more broadly, in what circumstances is the use of reason possible? Here it is necessary to read what Kant has to say both historically and philosophically. The Berlinische Monatsschrift was not just in the business of publishing news and views. It had a political and social agenda. The journal represented the public face of a secret society of senior officials in the administration of Frederick II who were committed to embedding Enlightenment principles in the institutions of the Prussian state. The inference must therefore be that Kant knew exactly whom he was talking to, and that his emphasis on daring and courage in the somewhat hesitant and cryptic opening of the essay is a nod towards the risks these men would have seen themselves as taking in the attempt to create social conditions in which their fellow-citizens might be (more) free to think (Caygill 2001, 31). At the time Kant’s essay was published in 1784, they were especially concerned that their achievements should not be reversed when Frederick II, then in the 44th year of his reign, died  as he did two years later  and was replaced by his more reactionary heir. It helps to know this, as it explains the strategic nature of the essay. It is designed to make use of the press and its public access in order to help a political cause as well as to establish philosophical principles. The philosophical basis for the argument **about the public use of reason is Kant’s axiomatic belief that thinking well must be based on three maxims: Think for your- self; think from the standpoint of everyone else; and think consistently. Respecting all or any of these maxims is possible only in community with others to whom we communicate our thoughts, and who communicate their thoughts to us.** Thinking is of its nature a social activity, then, and reason is a product of society (Wood 1999, 301). For thinking to demonstrate reason, it must be critical, testing what is thought from different possible perspectives in order to achieve understanding and coherence. To a degree, and perhaps quite a considerable degree, such critical self-reflection is possible through the inner exercise of imagination. To be most effective, however, imagination needs at least some external stimulus from actual dialogue with people in relation to whose viewpoints one is trying to think. This is why, in What Is Enlightenment?, Kant insists that citizens have a philosophical responsibility to do their thinking in front of the entire reading public  even if his historical under- standing of who should make up the public was much more discriminating (Kant 1991, 55). **Kant’s is thus an inherently pluralistic conception of reason: that is, it requires the disposition of not being occupied with oneself as the entire world, but regarding and conducting oneself as a cosmopolitan** [or citizen of the world] (Wood 1999, 302). This is how he puts it in his discussion of census communis in The Critique of Judgment: **The idea of a public sense, i.e., a critical faculty which in its reflective act takes account (a priori) of the mode of representation of everyone else, in order, as it were, to weigh its judgment with the collective reason of mankind, and thereby avoid the illusion arising from subjective and personal conditions which could readily be taken for objective, an illusion that would exert a prejudicial influence upon its judgment. This is accomplished by weighing the judgment, not so much with actual, as rather with the merely possible, judgments of others, and by putting ourselves in the position of everyone else, as the result of mere abstraction from the limitations which contingently affect our own estimate** (cited in Splichal 2002, 101). Without that worldly regard for the thoughts, feelings, and wishes of others, thought and judgment fall prey to the opposite of pluralism, which is egoism. And egoism, whether in terms of one’s understanding, one’s tastes or one’s interests, in turn produces traits that are obstacles to moral self-development: passion, self- conceit, fear, and intellectual indolence (Wood 1999, 283).1 It is the very nature of thinking that requires its public use and an initiating act of resolution and courage if reason is to be developed in individuals and in humanity as a whole. The immaturity (Unmündigkeit), or intellectual and moral de- pendency, that is the opposite of enlightenment is not a developmental stage be- fore maturity, but is self-incurred (selbstverschuldet) (Kant 1991, 54). **Thinking adults have a choice. They have to decide between the challenging demands of reason and the comfort zone of conformity and deference to authority: people who do not need to submit to tutelage often do so because they find it convenient to have others guide them.** Being unaccustomed to think for themselves, they are often frightened by the prospect of having to do so (Wood 1999, 305). This is why some of the most intransigent barriers to the development of rea- son are to be found in ourselves. Mündigkeit adulthood ,majority, or maturity brings with it not just the freedom and assurance of autonomy, but also its attendant anxieties, risks and responsibilities. As Kant strategically acknowledges, however, the roadblocks to enlightenment are external as well as internal. **It is in the interests of tyrants, priests, and other often more benevolent powers to tell people what to think, to tell them what will make them safe and happy, and so to perpetuate their deference and dependency. Their most effective weapon is, of course, the ability to play on spiritual, social and economic fears.** Having carefully prevented the docile creatures from daring to take single step without the leading- strings to which they are tied, such authorities will attempt to show them the danger which threatens them if they try to walk unaided (Wood 1999, 305-306). **Kant does not deny the existence of such dangers and discontents, but sees them simply as part and parcel of the human condition, as obstacles that need to be overcome**: they would certainly learn to walk eventually after a few falls (Kant 1991, 54). And learning to walk means taking on those social impediments as well as well as one’s own fears. Kant sees it as our duty to opt for maturity: a duty to ourselves, because to opt for tutelage and dependency is personally degrading, but also a kind of species- duty, in the sense that reason can exist and fulfil its vocation in human history only through free rational communication between independent thinkers (Wood 1999, 306). Kant’s philosophy was radical in its emphasis on the spontaneity and autonomy of human beings, and it was this that found an affinity with an emerging cultural sense of people’s potential  and desire  for subjective development and collective progress. As Pinkard (2002, 19) puts it, he captured a deep, almost sub- terranean shift in what his audience was coming to experience as necessary for themselves: from now on, we were called to lead our own lives, to think for ourselves. Historically, the question is whether, how and to what extent the dissemination of Kant’s philosophical ideas helped to articulate that ethos as a social force. From that point of view, what is electric in Kant’s account of that now are his comments about the social circumstances that are necessary if such courage is to lead to autonomy. When Kant observes that for enlightenment of this kind, all that is needed is freedom, he is not just talking about overcoming the psychological comforts of immaturity and the inner tyranny of superstition and timidity, but also about all too real and familiar ideological pressures and political-legal obstacles to free communication, to the operation of reason, and so to human progress (Kant 1991, 55; Wood 1999, 283).2 Hence the need for courage, but also the need for the existence of social circumstances that made daring to use one’s reason a possibility**. Because we can develop our reason only by communicating with others, and as the development of reason in human society depends on its public use, therefore Kant de- fends freedom of public communication as an absolute precondition for the collective development of people’s rational powers and so for human progress** (Wood 1999, 306). The freedom to communicate, asserts Kant, is the one treasure which remains to us amidst all the burdens of civil life, and which alone offers us a means of overcoming all the evils of this condition (in Reiss 1991, 247). To prohibit the use of public reason, however, is not only to injure and trample on the rights of mankind. In a subtle argument  or a piece of opportunist flattery, depending on how you look at it  Kant makes the case that such restriction is also against the interests of an enlightened ruler who is not afraid of shadows [or phantoms]. It is, after all, the public use of critical reason alone that can foster enlightenment, and so create a population that is likely to be peaceful and virtuous. A prince who does not regard it as beneath him to say that he considers it his duty, in religious matters, not to prescribe anything to his people, but to allow them complete freedom, a prince who thus even declines to accept the presumptuous title of tolerant, is himself enlightened. This spirit of freedom is also spreading abroad, even where it has to struggle with outward obstacles imposed by governments which misunderstand their own function. For such governments can now witness a shining example of how freedom may exist without in the least jeopardizing public concord and the unity of the commonwealth. Men will of their own accord gradually work their way out of barbarism so long as artificial measures are not deliberately adopted to keep them in it (Kant 1991, 58-59). Just as individuals need to think their way out of tutelage and towards maturity, so the general development from an age of enlightenment to an enlightened age requires a polity that not only allows, but encourages criticism of existing political institutions as part of the development and expansion of reason.

#### [4] Advocacy is premised off of making somebody do something for you which violates the categorical imperative because you’re using someone as a means to an end.

## UV

#### [1] Permissibility and presumption affirm: [A] Negating an obligation requires proving a prohibition – they prohibit the aff action. [B] If agents had to reflect on every action, we would never be able to take an action because we have to justify morally neutral actions like drinking water

#### [2] Aff gets 1AR theory since the neg can be infinitely abusive and I can’t check back. Aff theory is drop the debater, competing interps, and the highest layer since the 1ar is too short to win both theory and substance and reasonability bites intervention since it’s up to the judge to determine arbitrary brightlines. No 2NR paradigm issues since they’d dump on it for 6 minutes and my 3-minute 2AR is spread too thin. No RVIs on AC arguments – incentivizes a 7 minute collapse that decks 1AR strategy.

#### [3] hey nelson pls give 30 speaks or inflate speaks- its my last in person tournament and the last 2 years kinda sucked. you can also just think of it like a parting gift from lab leader to labeee since we won’t see each other after this probably ☹

## 1AC – Disclosure

#### Interpretation: At all TOC bid distributing tournaments and TFA State, debaters must disclose all constructive speech docs open source with highlighting on the NDCA LD wiki within 12 hours after debating.

#### Violation – you didn’t disclose grapevine, greenhill or at this tournament

A screenshot of a computer

Description automatically generated with medium confidence

#### A] Debate resource inequities—you’ll say people will steal cards, but that’s good—it’s the only way to truly level the playing field for students such as novices in under-privileged programs. It gives access to evidence behind paywalls, serves as an example of arguments, and use it to prep better.

#### B] Evidence ethics – open source is the only way to verify before round that cards aren’t miscut – otherwise you could have highlighted unethically. That’s a voter – maintaining ethical ev practices is key to being good academics and we should be able to verify you didn’t cheat

#### C] Depth of clash – open source allows debaters to come up with more nuanced researched objections to their opponents evidence before the round at a much faster rate, which leads to the highest quality evidence comparison instead of guessing what was highlighted. Also k2 fairness cuz it helps us shape our pre round prep and strategies which is especially important when im affirming cuz otherwise I have no clue what you’re going to read but you know the aff 30 min b4.

Here are a couple pre-empts

#### Disclosure is still important even if its on an old topic – it helps establish a pattern of strategies that they engage in which shapes my pre round prep and strategy.

Tournament Internet isn’t an excuse – you can go back to your hotel or somewhere with working internet to disclose

#### DTD to deter future abuse

#### CI leads to a race to the top where we find the best norms

#### No RVI – a] Chilling effect – people will be scared to call out abuse since it would be prepped out b] it forces us to go for theory which kills substance c] illogical – you shouldn’t win cuz you proved you were fair