# AC

## Framing

#### I value morality.

#### Prefer contextualism: ethics only arises as a solution to problems identified in relation to our context

#### [1] describes real world judgements: doctors make prescriptions after diagnosing issues, any a priori judgement is informed by what we understand of our contexts.

#### [2] solves skep: skep claims that we don’t know whether moral judgements are infinitely true, but we need solutions to solve problems in our specific context. If I prove the res affirms in the context of my framework, any reason to negate functions in a different context and isn’t a reason not to affirm.

#### And, deliberation and testing are key to ensuring that ethics can respond to changing circumstances

Serra 09 [Juan Pablo Serra. What Is and What Should Pragmatic Ethics Be? Some Remarks on Recent Scholarship*.* EUROPEAN JOURNAL OF PRAGMATISM AND AMERICAN PHILOSOPHY. 2009. Francisco de Vitoria College, Humanities Department, Faculty member.]

This separation of theory and practice runs parallel to another split, namely, that of ethics and morals or, better put, of ethical theory and moral practice. Peirce denies that morality is subject to rationality and thinks that ethics is valuable as a science in a broad sense. But he also regards ethics as a science which bears on human conduct only indirectly, through the examination of past actions and the self-correction of the self in view of future action. In addition, ethics would be a normative knowledge only in so far as it analyzes the adjustment of actions to ends and in so far as it studies the general way in which a good life can be lived. In morals Peirce appeals to instinct and sentiment, and in ethics he recommends the use of logical thinking —just as scientists do. However, even within the framework of his system, it’s not obvious that scientists may so easily set aside their instincts —in fact, instinct (or ‘rational instinct’ as he called it in 1908) plays a significant role in the economy of re- search. Moreover, the statement that in moral issues there may be no possibility of carrying out an inquiry that is truth-oriented is not an uncontroversial one. After all, moral inquiry is performed in a deliberative[ly] way, weighing up argumentations, beliefs and principles, and comparing them either with their probable or conceivable consequences or with lived as well as possible experiences that can be forceful or impinge upon the deliberative subject in such a way as to acquire the compulsory resistance due to reality. As Misak puts it succint- ly, “the practice of moral deliberation is responsive to experience, reason, argument, and thought experiments... Such responsiveness is part of what it is to mak[ing]e a moral decision[s] and part of what it is to try to live a moral life” (2000: 52)3. Likewise, this same deliberative activity implies an effort to acquire habits, beliefs and principles that contribute to a truly free deliberation which, in turn, can result in creative conclusions. For Peirce, as you get more habit-governed, you become more creative and free, and your selfhood acquires plas- ticity and receptiveness to experience4. Vincent Colapietro has referred to Peirce’s description of human reason in terms of a deliberative rationality (1999: 24). Also, in another place he has explained that deliberation for Peirce is a process of preparation for future action which has to do with the checking of previous acts, the rehearsal in imagination of different roads to be followed by possible conduct and the nurturing of ideals (Colapietro 1997: 270, 281). It is precisely this experi- ment carried out within imagination [by] that generates habits, because, as Peirce says in “A Survey of Pragmaticism”, “it is not the muscular action but the accompanying inward ef-forts, the acts of imagination, that produce the habit” (CP 5.479, 1907). Habits are regular ways of thinking, perceiving and interpreting that generate actions. As such, habits have a huge influence on human behavior, manifest themselves in the con- crete things we do and, at the same time, are formed within those same activities. Even more, according to Peirce, the activity takes the form of experimentation in the inner world; and the conclusion (if it comes to a definite conclusion), is that under given conditions, the interpreter will have formed the habit of acting in a given way whenever he may desire a given kind of result. The real and living logical conclusion is that habit (CP 5.491, 1907). Much more evidence could be given to support the view that habits are virtually decided (CP 2.435, c.1893) and also that intelligence comprises inward or potential actions that in- fluence the formation of habits (CP 6.286, 1893). Suffice it to say that, according to Peirce, deliberation is a function of the imagination, and that imagination is in itself an experiment which may have unexpected consequences that impose themselves upon the deliberative subject.

#### The standard and role of the ballot is to endorse consistency with democratic deliberation. It’s key to ensuring students can keep up with updated theories used in practice.

**Taatila & Raij 12** [TAATILA, V., & RAIJ, K. (2012). Philosophical Review of Pragmatism as a Basis for Learning by Developing Pedagogy. Educational Philosophy and Theory, 44(8), 831–844. doi:10.1111/j.1469-5812.2011.00758.] cw//az

The authors of this paper do not claim that a natural world would not exist without social construction made by humans. However, if the goal is to have an effect on social practices, there should be a strong emphasis in any research activities on social construc- tion, acceptance and delivery mechanisms of revealed ‘truths’. A university needs to pay attention to the learning practices that are most effective in creating a social and personal acceptance of the subjects in curriculum and the competence to use this information in practice (Fugate & Jefferson, 2001). There is also a need to pass on the understanding and willingness to act on the ever-changing nature of science. As we know, in any academic subject some theories may be outdated at any time, and the alumni should be able to accept these changes and accommodate them into their own practices. Thus university graduates should be in a constant learning cycle, always acquiring new knowledge in addition to and replacement of the old truths (Chisholm, 2000). Learning is in a central position within a pragmati[sm]c framework. Since pragmatism [it] aims at translating useful knowledge of real-life problems into action, people must constantly acquire new knowledge and skills. The goal of learning is to create constantly new competence to fit the contemporary situation, or in Dewey’s words: ‘Instead of repro- ducing current habits, better habits shall be formed, and thus the future adult society can be an improvement of their own’ (Parker, 2003, xviii). Pragmatism does not see[s] education only as an academic exercise to increase general knowledge, but also as an answer to why and what should one learn, and what the student will use learning for. Pragmatic learning is vocationally directed, so every learning situation should lead toward increased practical competence. This view is held in all types of learning situations, from deep science to very practical skills. ‘According to lecture method [realism] we live in order to learn, but according to the case method [pragmatism] we learn in order to live’ (Ardalan, 2008, p. 22). The pragmatic approach to education strongly critiques transmission-type teaching. Dewey in particular opposed this approach. He saw that the world was frequently presented to students as a set of ready-made knowledge, facts and laws, which scien- tists know to be untrue. For Dewey, the educative process was created by development and growth that takes place in intelligent inquiries into the environment (Seltzer-Kelly, 2008, pp. 293–294). An important aspect of teaching was not on the subject per se, but on making students learn to use scientific methods, and think and act on their own initiative. The requirements on the teacher in a pragmatic context are enormous. It is not sufficient to know the subject matter, but to be able to focus on the individual growth of the students, and to be able to ‘teach’ in open situations to solve problems with no fixed amount of variables. ‘The teacher must ... pay close attention to the particularities, to the individual students and their environmental influences, so that every instructional strategy can be adjusted in light of these’ (Seltzer-Kelly, 2008, p. 299). Dewey saw the teacher’s job as constant interactive intervention to contemporary problems with and by the students, to cultivate[s] the students with a caring but firm hand like that of a gardener (Seltzer-Kelly, 2008, p. 299). All this leads to a requirement for strong pedagogical skills. A teacher must master a large number of different methods to support learning, and be able to vary them according to situational needs ‘Only knowledge of the principles upon which all methods are based can free the teacher from dependence upon the educational nostrums which are recommended like patent medicines, as panaceas for all educational ills’ (McLellan & Dewey, 1908, p. 10). Still, the teacher is not the most important individual in a pragmatic learning process. The learner, the student, is most important. All learning takes place within the student. No amount of given support, instructions and facts can force her to learn if she actively opposes learning. In the pragmatic approach the student must be placed within the situation to personally experience the problems. In pragmatic learning environments, the students ‘... impose a meaningful framework on the unruliness of the case facts. They search for the key pieces of data, distinguishing central facts from peripheral ones. They organize the conflicting explanations and alternatives presented to them, and arrive at a reasonable recommendation for action. They express their views, feelings, reactions, attitudes, and prejudices which are reinforced or rejected by their colleagues. They have the opportunity to re-evaluate and re-appraise their recommendation, character, and personality’ (Ardalan, 2008, p. 28).

#### Plurality of experience allows for moral action.

Rogers summarizes, Dewey Melvin. (Melvin L. Rogers is currently the Scott Waugh Chair in the Division of the Social Sciences and Associate Professor of Political Science and African American Studies at UCLA.)

The efficacy of the intentions and actions of individuals to which MacIntyre referred earlier is fundamental, but can now be specifically assessed by their ability to address, what Dewey often referred to as the problematic environment in experience. [29] Dewey develops his argument against the tendency to see moral choices as derivable from some fixed category in the mind. But this obscures, Dewey argues, the fact that our moral choices are largely made in response to problematic features of the setting in which we find ourselves [in]. Questions of how we should treat individuals in a given situation, or how we come to have allegiances and loyalties to one group rather than another cannot, and are not often made sense of through species-wide arguments about rational communication and deliberative decision-making. Of course, pragmatists do not discount the importance of these elements, but they nonetheless believe that there are often socio-psychological elements that are central to such questions that help us to understand why one choice was made rather than another, and in assessing the resolving- capacity of the choice made. ￼20. Much like MacIntyre, for the pragmatists, to carry out an action is to achieve an end, but this action grows out of tensions, fractures, or pressures in experience. Inquiry that arises is always represented as a form of action that is concerned with "things to do or be done, judgments of a situation demand[s]ing" a response.[30] Reflection and inquiry thus develop[s] out of immediate experience -- out of what is immediately suffered, possessed, enjoyed as good, bad and so on. George Herbert Mead characterizes it this way: "Reflection ... makes possible the purposive control and organization by the individual organism of its conduct with reference to its social and physical situations in which it becomes involved and to which it reacts." [31] This is not to say that each inquiry, for the pragmatist, always begins with immediate experience detached from all previous reflection. Rather, immediate experience is situated within, and rendered intelligible through the narrative structure of experience.[32] ￼￼￼21. This, then, tilts how we understand the most pressing moral issues that confront us in a different direction. For pragmatists, moral questions -- as for example, how we should distribute resources, how should we respond to discrimination -- are an outgrowth to the problems that we encounter not merely as private mental activity, but as social beings. The pragmatists, extending the Darwinian model of an organism engaging and adjusting to its environment, add to it a social dimension. On the pragmatists' view, the reproduction of a stable society is composed of multiple agents that confront a world that demand reflection, in moments of crisis and problems, upon their own reactive conduct. So for example, and as a prelude to section two, discriminatory practices still prevalent in the U.S. are specifically viewed by black agents as problematic environing conditions that demand adjustment or cultivation of responses. One such response is solidarity among similarly situated folk. In other words, the problems that attend social life are often experienced and responded to because individual narratives intersect and therefore allow for the identification of shared concerns. In such cases, should the response be collective action? Perhaps, but even that is itself a subject that can only be determined by the give and take element central to narrative. But this nonetheless means that the experience of social reality provides the "starting point and terminal point, [for] setting problems and [for] testing proposed solutions."[33] What is at issue in these instances is always the type of individuals we understand ourselves to be, will become, and the type of world we hope to create. The relationship between individuals and their external environment forms a permanent unity and therefore interpenetrate precisely because individuals are seeking moral and political diagnoses and prognoses to shape a better world for themselves and future generations.

#### Deliberation is key to the evaluation of experience

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The view that intuition precedes reasoning (reason giving and justification) has received considerable support in recent research in social psychology and cognitive science. Psychologists Hauser and Haidt have presented a model of **moral** cognition in which **judgments are** primarily **intuitive**, “gut-level”, **emotionally guided evaluations that occur prior to** explicit reasoning or **deliberation**41. “Intuition...is the main cause of moral judgment...and then reasoning typically follows that judgment...to construct post hoc justifications”42. For Dewey the model of thinking suggested by this recent research is true of all thinking, not just moral cognition. This reversal of the traditional function of reasoning may seem like Hume’s view that the intellect is at the mercy of the passions, but some qualifications are necessary to avoid confusing it with the Humean view or with what we usually call “rationalizations”. First, for Dewey there is no dualism between intuition and our more reflective judgments. On the contrary, there is continuity and in proper inquiry one ensues on the other. Second, while the qualitative as intuition starts and guides explicit reasoning or articulated propositional thought, it is itself transformed in the process by reflection. Third, even though our first intuitions are immediate, qualitative, and noncognitive, they are funded by previous experience. This is why they are such an important resource to inquiry. Dewey claims that sometimes our immediate experiences of pervasive quality have “intellectual import” because they are not mere immediate responses; they are well funded, i.e., they “sum up and integrate prolonged previous experience and training, and bring to a unified head the results of severe and consecutive reflection” (LW 5: 250).

#### Other ethical theories are founded on minimalistic criteria, ours resolves this by using these criteria to better inform our judgments,

LaFollete 2K "Pragmatic Ethics" [Hugh LaFollette](http://www.hughlafollette.com/index.htm) In [Blackwell Guide to Ethical Theory](http://www.hughlafollette.com/papers/b-guide.htm) 2000. Hugh LaFollette is Marie E. and Leslie Cole Professor in Ethics at the University of South Florida St. Petersburg. He is editor-in-chief of The International Encyclopedia of Ethics

Employs criteria, but is not criterial. The previous discussions enable us to say more precisely why pragmatists reject a criterial view of morality. Pragmatism's core contention that practice is primary in philosophy rules out the hope of logically prior criteria. Any meaningful criteria evolve from our attempt to live morally – in deciding what is the best action in the circumstances. Criteria are not discovered by pure reason, and they [which] are not fixed. As ends of action, they are always revisable. As we obtain new evidence about ourselves and our world, and as our worlds changes, we find[s] that what was appropriate for the old environment may not be conducive to survival in the new [world] one. A style of teaching that might have been ideal for one kind institution (a progressive liberal arts college) at one time (the 60s) may be wholly ineffective in another institution (a regional state university) at another time (the 80s). But that is exactly what we would expect of an evolutionary ethic. Neither could criteria be complete. The moral world is complex and changeable. No set of criteria could give us univocal answers about how we should behave in all circumstances. If we cannot develop an algorithm for winning at chess, where there are only eighteen first moves, there is no way to develop an algorithm for living, which has a finitely large number of "first moves." Moreover, while the chess environment (the rules) stays constant, our natural and moral environments do not. We must adapt or fail. While there is always one end of chess -- the game ends when one player wins – the ends of life change as we grow, and as our environments change. Finally, we cannot resolve practical moral questions simply by applying criteria. We do not make personal or profession decisions by applying fixed, complete criteria. Why should we assume we should make moral decisions that way? Appropriates insights from other ethical theories Nonetheless, there is a perfectly good sense in which a pragmatic ethic employs what we might call criteria, but their nature and role dramatically differ from that in a criterial morality (Dewey 1985/1932) . Pragmatic criteria are not external rules we apply, but are tools we use in making informed judgements. They embody learning from previous action, they express our tentative efforts to isolate morally relevant features of those actions. These emergent criteria can become integrated into our habits, thereby informing the ways that we react to, think about, and imagine our worlds and our relations to others. This explains why pragmatists think other theories can provide guidance on how to live morally. Standard moral theories err not because they offer silly moral advice, but because they misunderstand that advice. Other moral theories can help us isolate (and habitually focus on) morally relevant features of action. And pragmatists take help wherever they can get it. Utilitarianism does not provide an algorithm for deciding how to act, but it shapes habits to help us "naturally" attend to the ways that our actions impact others. Deontology does not provide a list of general rules to follow, but it sensitizes us to ways our actions might promote or undermine respect for others. Contractarianism does not resolve all moral issues, but it sensitizes us to the need for broad consensus. That is why it is mistaken to suppose that the pragmatist makes specific moral judgements oblivious to rules, principles, virtues, and the collective wisdom of human experience. The pragmatist absorbs these insights into her habits, and thereby shapes how she habitually respon[se]ds, and how she habitually deliberates when deliberation is required. This also explains why criterial moralities tend to be minimalistic. They specify minimal sets of rules to follow in order to be moral. Pragmatism, on the other hand, like virtue theories, is more concerned to emphasize exemplary behavior – to use morally relevant features of action to determine the best way to behave, not the minimally tolerable way.

#### Impact Calc: Deliberation is procedural not substantive, it’s the decision-making procedure that generates habits not the evaluation of what impacts matter most:

Serra 2 Juan Pablo Serra. What Is and What Should Pragmatic Ethics Be? Some Remarks on Recent Scholarship*.* EUROPEAN JOURNAL OF PRAGMATISM AND AMERICAN PHILOSOPHY. 2009. Francisco de Vitoria College, Humanities Department, Faculty member. Cw//az

BY WAY OF CONCLUSION As LaFollette presents it, the key to understanding pragmatist ethics is that it is not an ethical theory per se, but rather it is an anthropology, a way of understanding the human being and his moral action. Therefore, pragmatist ethics in reality does not propose a new ethical theory, but rather “reconstructs” through a new prism the basic intuitions of the best ethical theories. The fundamental element on which the attention of pragmatist ethics centers is deliberation. Deliberation is not directly responsible for directing action, but only does so indirectly, by means of a critique of past actions, the effort to correct or reinforc[ing]e certain habits and mental experiments that each actor performs in order to determine his own future conduct, and even to determine in a general manner the way in which one wishes to live one’s life (or, what amounts to the same thing, the type of person one wishes to be). The task of a pragmatist ethics, therefore, is not to provide final solutions, but rather to indicate that it is only via the testing and communication of experiences that the [can] superiority of one moral idea over another can be demonstrated. In this sense, one of the principal missions of any given version of pragmatist ethics is to indicate some general manner in which habits can be acquired which, later, will facilitate personal deliberation – both internal and external – in the broad variety of circumstances which make up the moral life.

#### Prefer: 1] Self-justification: To question against deliberation is deliberation which proves that it’s constitutive to us as agents. Two impacts:

#### A] Solves infinite regress - frameworks are only applicable if they unify and guide action, all of agency is unified by deliberation on what course of action to take next.

#### B] Bindingness – morality must prevent agents from opting out– we solve by appealing to deliberation as a constitutive element of agency

#### 2] Explanatory coherence – we don’t automatically know what things are good or bad; we first deliberate on instances of violence to develop rules that let us consistently condemn these instances. Prereq to other theories, there’s never a complete certainty so we must deliberate to break down outdated habits.

#### 3] Epistemic Reliability: disagreement is rife in the squo so most theories are wrong - prefer relative reliability. The law of large numbers proves when we test more we get progressively more accurate results so when we test theories under this fw we’ll get the best calculus.

#### A] Even if my framework is wrong it’s non-unique we assume every theory is wrong – if ours is more reliable, independent of the actual framework it is truer on the higher epistemic layer.

#### B] Other advantages are non-unique – through deliberation we take other premises into practice, if a theory is true it’ll become a habit through deliberation.

#### C] Serves as a tiebreaker – continued deliberation is necessary to resolve competing methods, otherwise we don’t know which to prefer which freezes action

#### 4] Pragmatic testing is k2 social change, historically used to break through white supremacist biases in order to bring about abolition.

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* ‘slavery necessary’ claims countered by actual abolition that proved it wasn’t
* Practical change necessary to bring collective learning
* Pure moral beliefs inherently skewed by societal norms
* White abolitionists skewed by racism, slaves portrayed as victims of suffering
* Black abolitionists portrayed slaves as ppl denied basic respect, freedom, etc, better addressed claims that Black ppl less intelligent
* Slaves demanding respect changed white views of them as not needing respect, Black ppl being made soldiers demonstrated they could exercise courage, strength, etc
* Abstract moral theorization inherently skewed by biases, must be grounded in empirical testing

Yet, moral beliefs about slavery did change. After the Civil War, while Southern whites insisted on white supremacy, most came to accept sharecropping as superior to slavery.44 The practical success of emancipation led them to drop all of the arguments they had previously made in support of the supposed necessity of slavery. The full story of how this change in moral beliefs came about is too complex for this lecture. Here I stress two major factors. First, to change moral beliefs, slavery had to be challenged not only in pure moral arguments but in practical, collective action. Second, slaves and free blacks had to actively participate in those challenges.¶ In social theory, “contention” refers to practices in which people make claims against others, on behalf of someone’s interests. “Contentious politics” consists of coordinated contention by groups around a shared agenda, involving governments as “targets, initiators of claims, or third parties.”45 Contentious practices span a spectrum from pure moral argument at one end, to riots, war, and other violent acts on the other. Between pure argument and violence is a wide range of contentious activities that are more or less disruptive of habitual ways of life, from petitioning, publicity campaigns, theatrical performances, candlelight vigils, litigation, and political campaigns, to street demonstrations, boycotts, teach-ins, sit-ins, picketing, strikes, building occupations, and other forms of civil disobedience. As people move beyond the pure moral argument pole, they manifest in action and not only words their refusal to go along with the moral norms they are rejecting. Once it gets beyond pure moral argument, contention consists in the collective, concerted repudiation of morally objectionable practices by means of actions that disrupt the routine functioning of those practices, and that express rejection of the moral authority of people to practice them.¶ Contention aims to secure the satisfaction of claims by eliciting the recognition of those in power of the legitimacy of those claims, and thereby the incorporation into social institutions of an established recognition of those claims.46 It might seem that violent acts, on this definition, could not count as contention, even if they have political aims. To be sure, political violence used simply to get one’s way by force, as in cases of genocide and ethnic cleansing, does not address the victims as agents of whom it is demanded that they respond to claims. But other kinds of violence do aim at eliciting the practical recognition from authorities of legitimate claims. For example, the American War of Independence aimed not simply at obtaining de facto independence from Britain but at securing recognition from Britain of the United States as a sovereign nation. The war was a form of violent contention.¶ I claim that, in some circumstances, practical contention brings about collective moral learning—learning on the part of societies—that pure moral argument cannot. We have evidence that moral change induced by contention counts as learning—as an improvement of moral beliefs— if the contention blocks, counteracts, bypasses, or corrects cognitive or moral biases that supported the status quo ante, such that the new moral beliefs embodied in altered practice are not, or at least less, distorted by those biases. In such cases, we have similar grounds for claiming that the new moral beliefs are more reliable as in cases of belief change on the basis of blinded placebo-controlled clinical trials.¶ Practical contention, not just individual moral persuasion, is needed to effect collective moral belief change because collective moral beliefs are embodied in social norms. Social norms are sustained by reciprocal expectations of conditional conformity. They involve tacit or explicit agreements within a society to conform to the norm, on condition that enough others conform. Collective moral beliefs are embodied in social norms of discussion, joint deliberation, and claim-making. A group shares a belief if that belief shapes discourse within the group: the group takes it for granted as a premise for further argument, not needing independent justification; its truth is treated as a settled matter; disputing it is regarded as, if not beyond the pale, requiring a heavy burden of proof; disputants are liable to censure or even social exclusion for calling such convictions into question.47 For belief in a moral principle to be collectively accepted also requires that the principle regulates interpersonal claim-making: members are free to make claims in accordance with the principle and generally do so when they are victimized by violations of it; other members acknowledge the legitimacy of such claims; the principle is widely if not completely obeyed by group members; the group punishes disobedience; members take steps to transmit the principle to future generations.48¶ Because collective moral beliefs are sustained by reciprocal expectations, an individual can privately dissent while still participating in the practices that sustain the belief for the group. Hence, merely changing an individual’s mind through moral argument need not change the collective belief. Furthermore, individuals may resist acting on their personal conclusions because a belief is held collectively. This is not simply because they lack the courage of their convictions. They may wonder whether they have reasoned correctly if they reach conclusions contrary to the group consensus, and think that the group’s belief is more reliable than their own reasoning. Pure moral argument may also lack a certain degree of seriousness, insofar as it is advanced in contexts outside of interpersonal claim-making, by people who lack direct stakes in what they are saying.¶ Contentious politics avoids these weaknesses of pure moral argument. In contentious political practices, people advance moral beliefs in the context of actual claim-making: the stakes are real and serious. Because these practices involve mass action in public repudiation of existing norms, they destabilize[s] the shared expectations that hold those norms in place, casting doubt on the robustness or authenticity of the purported consensus around them. Their mass public nature may give courage to those who privately dissented, proving that their doubts about existing norms were not merely the product of idiosyncratic reasoning. To the extent that contentious politics disrupts the routine operation of challenged norms, it [and] forces genuine practical deliberation about what to do, not mere idle speculation. In refusing to concede legitimacy to the enforcement of challenged norms, contentious politics threatens a loss of honor on the part of those who do enforce them—something that may inspire the enforcers to reconsider them.49¶ Contentious politics thus serves to awaken societies to serious practical reflection on entrenched moral beliefs. More is needed, however, to ensure that the direction their reflection takes is less biased. Many features of contention can play this role. Here I stress one: the participation of the victims of injustice in challenging the norms that oppress them.¶ So far I have discussed the moral arguments made by white abolitionists such as Hepburn, Clarkson, Weld, and Garrison. As we have seen, their strategies were ineffective against the slaveholding culture of the South. Racism posed powerful obstacles to their efforts. Despite the abstract commitment of white abolitionists to the equality of blacks before God, and hence their equal moral considerability, racism biased their representation of the evils of slavery. They overwhelmingly represented slaves as victims of cruelty and material deprivation. Weld’s American Slavery as It Is (1839) (the inspiration for Harriet Beecher Stowe’s Uncle Tom’s Cabin, which, with Weld’s work, constituted the two most influential white abolitionist publications in the U.S.) documents in exhaustive detail the material deprivations inflicted on slaves and their subjection to cruel tortures. Notably, these wrongs can be suffered equally much by animals. By contrast, Weld’s work passes relatively lightly over slavery’s manifold assaults on slaves’ specifically human, dignitary interests in their agency and in recognition from others: the deprivation of autonomy, legal rights, education, and opportunities for self-advancement; the theft of the fruits of their labor; the dishonor inflicted on female slaves through slaveholder rape; the dishonor imposed on male slaves by denying them authority over family life, powers to protect their wives and children, and access to avenues for developing and exercising military virtues. White abolitionists thus tended to cast slaves more as objects of pity than as subjects of dignity entitled to command respect. They were notably weak in addressing slaveholders’ claims that b[B]lacks lacked intelligence, talent, foresight, and capacities for self-governance, and so would be unable to compete with whites in a free labor market, but sink into destitution, vagrancy, and crime if they were freed—key elements in slaveholders’ patriarchal defense of slavery as necessary for blacks’ welfare and social order.¶ Black abolitionists placed greater emphasis on the ways in which slavery deprived slaves of dignity, honor, and access to distinctively human rights and achievements. The central theme of Harriet Jacobs’s Incidents in the Life of a Slave Girl Written by Herself was the vulnerability of slave women to sexual harassment and rape at the hands of their masters. The female slave “is not allowed to have any pride of character. It is deemed a crime in her to wish to be virtuous.” Jacobs rated this injury as far worse than slavery’s material deprivations or consignment to a life of drudgery. She hid in a tiny, dark attic for almost seven years to avoid sexual assault, judging this fate better than slavery, even though she had never been whipped, beaten, or overworked as a slave.50 Frederick Douglass agreed with Jacobs’s priorities. Worse than the whip was slavery’s consignment of slaves to ignorance and incapacity to think for themselves. Indeed, the fundamental point, and greatest injury, of material deprivation and brutal physical punishment was to disable slaves from aspiring to freedom, to the exercise of rational capacities, to any kind of estimable activity.51 From this dignitary perspective, Douglass exposed slaveholders’ boasts of the material indulgence they granted their slaves on holidays, when they were encouraged to get drunk and discouraged from any work, as a great fraud, designed only “to disgust their slaves with freedom, by plunging them into the lowest depths of dissipation.”52¶ Black abolitionists’ alternative critique of the evils of slavery led them to advocate a different strategy for bringing about moral change— one addressed as much to antislavery Northerners as to advocates of slavery. Their critique identified racism—the widespread, deeply entrenched contempt for b[B]lacks, based on prejudicial feelings of their being unfit for freedom and equal dignity with whites—as the core moral bias upholding slavery. To counteract this prejudice, much more than pure moral argument was required. Blacks needed to demonstrate in action their interest, capacity, and worthiness for freedom and dignity. “We . . . wish to see the charges of Mr. Jefferson refuted by the blacks themselves” for, if blacks fail to try, “we will only establish them.”53 As James McCune Smith, the first African-American to earn a medical degree, and editor of Douglass’s My Bondage and My Freedom, put the point:¶ The real object of that [antislavery] movement is not only to disenthrall, it is, also, to bestow upon the Negro the exercise of all those rights, from the possession of which he has been so long debarred. But this full recognition of the colored man to the right, and the entire admission of the same to the full privileges, political, religious and social, of manhood, requires powerful effort on the part of the enthralled, as well as on the part of those who would disenthrall them. The people at large must feel the conviction, as well as admit the abstract logic, of human equality; the Negro . . . must prove his title first to all that is demanded for him; in the teeth of unequal chances, he must prove himself equal to the mass of those who oppress him . . ..54¶ Without such effort by blacks themselves “to disprove their alleged inferiority, and demonstrate their capacity for a more exalted civilization than slavery and prejudice had assigned to them,” whites would “reconcile themselves” to blacks’ “enslavement and oppression, as things inevitable, if not desirable.”55¶ This task stood in tension with white abolitionists’ strategy to present slaves as objects of pity. Douglass grated under their requests that he merely “give us the facts,” and “we will take care of the philosophy.” They implored him to speak to audiences with an uneducated plantation accent, lest Northern whites think he wasn’t really a fugitive slave. They objected to his establishing a paper of his own, preferring that he continue to lecture under their sponsorship, oblivious to the importance Douglass saw in demonstrating blacks’ capacities and inspiring, through his achievements, other blacks to that call.56¶ In this dispute, black abolitionists proved to be far keener moral psychologists than their white counterparts. White abolitionists, in stressing the pathos of slavery, operated on the assumption that the core moral bias of slavery advocates was heard-heartedness. On that assumption, the key strategy for counteracting that bias should be to highlight those facts about slavery that arouse people’s sympathies and to cultivate social practices that encourage sentimentality and open­ heartedness, so that people feel free to respond appropriately to those facts. Black abolitionists identified the core weakness of this strategy: “Human nature is so constituted, that it cannot honor a helpless man, although it can pity him; and even this it cannot do long, if the signs of power do not arise.”57 If the core moral bias of slavery advocates was racist contempt, then this can only be counteracted by resisting subordination and oppression, demanding respect, and seizing it, by force if necessary, from those who withhold it. To demonstrate worthiness of respect, one must conduct oneself as entitled to it. Failing that, the contemptuous will think their targets uninterested in, incapable of, and hence undeserving of respect.¶ On this point, black abolitionists were united. Their writings repeatedly testify to the power of blacks’ standing up for their rights, and the supreme importance of their doing so. Jacobs “resolved never to be conquered” and resisted her master’s sexual advances. Escaping North, she successfully opposed racial discrimination in hotel service by telling the black servants that they should stand up to oppose it.58 Douglass admired the unbowed resistance of Nelly to overseer Mr. Servier’s blows, noting that he never whipped her again.59 This incident prefigured his own triumphant struggle against the slavebreaker Covey, from which he drew his central insight into the moral psychology of overcoming oppression: to obtain recognition of one’s respectability from others, one must manifest self-respect in action by exacting respect from others.¶ This call to resistance was the core of David Walker’s Appeal.60 And resist the slaves did, taking deeds, more than words, as the key to progressive moral change. Slaves exploited the legal codes of the South to extract recognition of rights through innumerable acts of resistance on the plantations, including, in some cases (astonishingly!), the right to kill their masters in self-defense.61 There was no better proof that slaves desired freedom and repudiated enslavement than the steady flow of fugitives North, without regret or reversal. Toward the end of the Civil War, the Confederacy, running out of soldiers, debated whether to draft slaves into the army. Howell Cobb, one of the founders of the Confederacy, answered, “If slaves will make good soldiers our whole theory of slavery is wrong.”62 But fugitive slaves demonstrated, in their courageous service in the Union Army, that slaves did make good soldiers. They thereby heeded Walker’s call for blacks themselves to refute Jefferson’s aspersions on their race and shattered the South’s “whole theory of slavery.” While their actions did not end racism, they did force a momentous retreat of this profound moral bias. Slavery advocates were forced to concede that the case for slavery was spurious, and that blacks were fit at least for the autonomy that the emergent sharecropping economy conceded to them. This was not full freedom by any means, but it was a giant step up from slavery.¶ 4. SOME PRAGMATIST PATHS FORWARD FOR MORAL PHILOSOPHY¶ Let us step back and draw some lessons from this monumental episode of collective moral learning. Recall that pragmatism replaces the quest for ultimate criteria of moral rightness, true in all possible worlds or at least at high levels of abstraction, with methods of intelligent updating. I argued that one important type of intelligent updating involves blocking, counteracting, or reducing the influence of moral biases. We have reasons to believe that social power biases moral reasoning in systematic ways. First, as Smith argued, people tend to feel more sympathy, and more esteem, for the rich and powerful relative to the poor and powerless, controlling for equal suffering and equal merit. The latter unjustly suffer contempt. He could have added that such contempt tends to be rationalized by biased notions of group inferiority. Second, as Dewey and Tufts argued, the powerful—who shape social institutions to benefit their social groups at others’ expense—tend to confuse what they want with what is right so long as they have the power to enforce their demands.¶ Faced merely with pure moral argument, we have seen that the powerful, and their advocates, typically have substantial resources at their disposal, from the intuitive moral ideas and principles available in their society, to rationalize their side of the debate. Nor does purely speculative, a priori moral argument typically activate real practical reasoning. Hence, the powers of pure moral argument to dislodge prejudice and bias tend to be weak.¶ Stronger methods are needed to counteract the biases induced by social power. My case study of a society-wide change in moral belief, from proslavery to abolitionist, focused on two such methods. First, contentious politics—active, practical, mass resistance to the moral claims embodied in social institutions enforced by and catering to the powerful—is needed to activate genuine practical reasoning across all levels of society. The powerful won’t really listen to reason—that is, to claims from below—until they no longer have the power to routinely enforce their desires. Second, the subordinated and oppressed must actively participate in that contention. They must manifest in deed and not only words their own interest, capacity, and worthiness for the rights and privileges they are demanding. For if they meekly submit to oppression, this tends to make observers—not only the powerful, but anyone, as Smith held—think that the downtrodden have no interest in or capacity for uplift and do not deserve it. The oppressed must show their determination to cast off oppression in order to arouse the esteem and thereby enlist the support or at least the acquiescence of others.¶ Walker, Jacobs, McCune, and Douglass understood this. Respect is obtained from others not by abstract argument but by dignified exaction. No wonder Douglass lost all patience for abstract moral argument:¶ [W]here all is plain there is nothing to be argued. . . . Must I undertake to prove that the slave is a man? . . . The slaveholders themselves acknowledge it . . . when they punish disobedience on the part of the slave. What is this but the acknowledgement that the slave is a moral, intellectual, and responsible being . . . [I]t is not light that is needed, but fire. . . . The feeling of the nation must be quickened; the conscience of the nation must be roused; . . . the hypocrisy of the nation must be exposed; and its crimes against God and man must be proclaimed and denounced.63¶ In the language of contemporary moral philosophy, Douglass was calling for a shift from third-person to second-person address, from abstract impersonal argument to interpersonal claim-making, founded on an assertion of authority to demand respect from others.64 To be called to account, to be addressed as a bearer of duties to the addresser, to be upbraided for failure to do what is authoritatively demanded—these are essential experiences needed to become a morally responsible being, fit for living with others. And these are the experiences to which slaveholders, holding irresponsible totalitarian power over slaves, were least exposed before the Civil War. Yet, in the perverse corruption of moral sentiments Smith identified, until the enslaved actively repudiated their subjection, it was the slaves, rather than the slaveholders, who were thought unfit for living freely with others.¶ From our current moral perspective, it is easy for us to see the errors of the past, with respect to slavery. A skeptic might wonder whether we are merely begging the question in favor of our current moral beliefs. The pragmatist answers that this change can be seen to be progressive, a case of moral learning, because it was brought about through practices that tend to counteract or reduce known moral biases rooted in human psychology. As clinical conclusions reached on the basis of blinded, placebo-controlled clinical trials are more reliable, due to the ways they check the biases of wishful thinking, moral conclusions reached on the basis of practical methods that counteract the biases of power are similarly more reliable.¶ This pragmatist perspective suggests an alternative research program for moral philosophy, reaching beyond the a priori methods to which we philosophers are so wedded. My point is to expand the tools we use, and to reduce our excessive reliance on the old tools. Just as a bolt will turn uselessly without a nut to fasten it, or glued joints will be weak if they haven’t been clamped, our abstract moral arguments will spin without conclusion or fall apart uselessly unless they are used in conjunction with empirically grounded tools. We can make better progress by working in close conjunction with the social sciences and history to consider empirically how different circumstances, including social relations, shape our moral thinking. If we discover an influence on our moral thinking that we can’t justify, or that experience shows us to lead to untoward consequences, we have discovered a moral bias. Then we can seek empirically reliable methods to correct, block, counteract, or bypass those biases, keeping in mind that pure reasoning may not be enough. Some methods may be practical, not just speculative or theoretical, and involve concerted action in the world, sometimes collective political action.¶ This alternative research program does not reject intuitions. They are a basic material of moral thinking; we have no way around them. But we must be alert to the possibility that our intuitions might suffer from bias and would be improved under alternative conditions.¶ My case study raises an alarm for philosophy as we currently practice it. Without active participation of the oppressed and disadvantaged, the moral views reached by philosophers are liable to be biased—ignorant of and unresponsive to the concerns and claims of those not present.65 Dewey and Tufts identified that problem, too. Morality, understood as what we owe to each other, arises from the need to adjudicate the claims that everyone makes on everyone else. If the claims of the subordinated are suppressed, silenced, ignored, or misunderstood, the conclusions reached on the basis of the subset of claims that are considered are liable to be systematically biased. My case study indicates that purely a priori methods of bias correction are unlikely to reliably counteract such biases.66 There is no reason to think that ever-more-elaborate exploration of the contours of one’s own moral thoughts, or of the thoughts of similarly situated persons, will capture everyone’s moral concerns. Knowledge of what we owe to each other can only be generated through processes of interpersonal claim-making that include those occupying the full range of diverse situations in society. For moral philosophy to make progress, it must practice inclusion of diverse philosophers.¶ In this lecture, I have focused on bias correction as one basic pragmatist method. Another is experiments in living. The conclusions we reach from real experiments in living are likely to be more reliable than the conclusions we reach from thought experiments. Thought experiments are at best no more reliable than deliberation. We often find that our deliberations have gone astray once we act on them and experience unexpected results—some of which may inspire us to revise the initial terms in which we formulated the stakes in our decision.67 Ascent to the a priori offers no protection from such revision. We know from the history of morals that conceptions of value thought to be immutable do, in fact, change over time.

## Offense

#### I affirm the resolution: The member nations of the World Trade Organization ought to reduce intellectual property protections for medicines. I defend it as a general principle, so spec is irrelevant but I’ll spec the following, anything else must be checked in cx.

#### 1] Reducing IP is a method of global solidarity by manifesting intra-country cooperation.

Jecker and Atuire 7/7 [Nancy S Jecker (professor of bioethics and philosophy at the University of Washington School of Medicine, Department of Bioethics and Humanities) and Caesar A Atuire (PhD in Philosophy from the Athenaeum Regina Apostolorum, Rome, Lecturer in the Department of Philosophy and Classics at the University of Ghana, Legon). “What’s yours is ours: waiving intellectual property protections for COVID-19 vaccines”. Journal of Medical Ethics. July 7 2021. Accessed 7/22/21. <https://jme.bmj.com/content/early/2021/07/06/medethics-2021-107555> //Xu]

We turn next to positive ethical arguments for temporarily waiving IP protections, which appeal to the values of globally solidarity and corporate responsibility. Global solidarity underscores that during the COVID-19 pandemic, each nation’s interests are entwined with the interests of every other.22 Just as it is impossible for any nation standing alone to address the threat to human health climate change raises, it is impossible for any single nation to meet the challenge that COVID-19 and future pandemics present. Instead, humanity must stand together. In the past, nations have failed to do so. The epidemic of HIV/AIDS in Africa illustrates. Shamefully, it took nearly a decade for the first antiretroviral drugs to reach the African continent, even though Africa was the hardest hit region and antiretroviral drugs provided 90% mortality reduction. Although the US government was an early investor in research that produced antiviral drugs for HIV, distribution was controlled by big pharmaceutical companies driven by profit. The USA and other wealthy countries repeated this mistake during the COVID-19 pandemic, supporting vaccine developers without requiring technology transfers and donations to COVAX (the multilateral partnership supplying vaccines to LMICs). Ethically, the task ahead is fixing a problem of human making. A second argument, based on corporate social responsibility, stresses expectations for and benefits of socially responsible behaviour by for-profit companies. Increasingly, companies appreciate the potential impact that socially responsible behaviour has on competitive advantage, reputation, retention of workers and customers, employee morale and relationships with stakeholders.23 IP protections shield pharmaceutical companies from competition, enabling them to monopolise markets and generate above-normal profits. During a pandemic, social responsibility requires temporarily limiting profits and requiring companies to give back, rather than allowing above-normal profits to accrue unchecked. Even Locke, who conceived of our modern notion of property rights, held that fundamental rights like property could be justly overridden under certain conditions, namely, when the goods are perishable and would go to waste or when their extraction may intrude on the common good, in which case they extend only to what leaves enough behind for others.24 Building on this analysis, we submit that displays of social responsibility fall along a continuum. During the COVID-19 pandemic, a high degree of responsibility would be shown by temporarily sharing patents for products aimed at preventing, containing, or treating COVID-19, which is India and South Africa’s proposal; moderate responsibility would be demonstrated by temporarily sharing licenses to manufacture COVID-19 vaccines, as the WTO Director General proposes; and minimal responsibility would be shown by sending vaccines directly to nations in response to pleas for help, which Pfizer did when it pledged up to 40 million doses of its vaccine to COVAX (which represents under 2% of the 2.5 billion doses Pfizer will produce in 2021).25

#### 2] IP laws prioritize uniformity and predictability as a method of homogenizing knowledge and refusing experimentation.

Wu 14 [Tim Wu (Julius Silver Professor of Law, Science and Technology at Columbia University). “Intellectual Property Experimentalism By Way of Competition Law”. Columbia Law School. 2014. Accessed 8/16/21. <https://scholarship.law.columbia.edu/cgi/viewcontent.cgi?article=2843&context=faculty_scholarship> //Xu]

The goals of uniformity and predictability has had its clearest implications at the international level. Unlike competition law, which varies significantly between OECD nations, over the last several decades all of the IP laws have become subject to a much stronger and geographically broader web of harmonizing international agreements, on multinational, regional and bilateral levels. The general aim of these treaties is to homogenize the world’s IP regimes, reducing or eliminating geographical variation. All of the major laws are the subject of longstanding global treaties specifying minimum protections (The Berne and Paris conventions), which were fortified in 1994 by the addition of an intellectual property agreement to the World Trade Organization, and further strengthened by numerous bilateral treaties since then. And of course the World Trade Organization, unlike the informal organizations common to competition law, has the power to punish deviations from the intellectual property treaties with serious trade sanctions. The pattern can also be observed at the national level. Both in Europe and the United States the last few decades have witnessed many important measures taken to create uniformity. In the United States, a single appeals court, the Federal Circuit, has heard the nation’s appeals in patent cases since 1982 in an effort to bring greater uniformity to the patent law. Though proposals for constructing a uniform patent court akin to the Federal Circuit in the European Union have been unsuccessful so far,26 the European Patent Convention, founded in 1973, provides a common application for the prosecution of patents in each of the member states.27 In short, stronger protection of uniform rights has been the clear trajectory of the intellectual property laws over the last few decades. That tendency is sharply at odds with the predispositions of the competition laws. The dichotomy I am suggesting here is, of course, not absolute. In certain areas of the competition law, one can sense the influence of a vested rights theory, in, for example, the resistance to breakups of dominant terms, even if the economic case for doing so might be quite strong. And there are areas in IP law, like the American fair use doctrine (a judicial and scholarly favorite), which have, in fact, served as important outlets for judicial tinkering in the face of changing conditions. For example the famous Sony decision, blessing the VCR, broke with prevalent copyright doctrine, arguably as a reaction to perceived technological necessity.28 Similarly, following a decade of bad press, Congress, the courts, and the American Patent Office have begun to make adjustments with American patent law. An example is the new post-grant review process, which includes a particular provision targeted at business method patents. Nonetheless it would be hard to describe the intellectual culture of either the intellectual property laws as truly committed to experimental improvement of the law. It would be even harder to describe competition law as devoted to the protection of fundamental rights. We are left with a divergence in intellectual cultures with broad implications for just about every advanced economy in the world. IV. USING ANTITRUST FOR PATENT EXPERIMENTALISM AT THE UNITED STATES SUPREME COURT I believe there is a need for a more experimentalist approach to the intellectual property laws, and particularly to the patent laws. The law, I believe, needs better mechanisms not simply to celebrate its successes, but to correct its errors, both specific and general. One way this might be achieved is to act within the structure and institutions of the laws themselves; as just discussed, this is a project underway in certain respects. But the other path is to rely on the competition laws as a kind of oversight and adjustment mechanism for the intellectual property laws.

## Underview

#### [1] aff theory and metatheory is legit else the neg gets away with infinite NC abuse. It’s drop the debater – the 2AR is too short to win theory and substance simultaneously. Competing interps and no RVIs – else the 6 minute 2NR dump on reasonability or the RVI is unbeatable

#### [2] Presumption and permissibility affirm: [A] We assume statements are true unless we’re given reason otherwise: if I told you my name is Maxwell you would believe it. [B] We are psychologically biased toward doing nothing, which means if we came to a stalemate that’s because I was the better debater. [C] We couldn’t do anything if we didn’t trust others in what we were told, means trust is necessary and if we’re at a stalemate you should trust that the res is true

#### [3] Aff gets RVIs on counterinterps [A] The 2N has the option of going for either substance or theory with the layer I undercover, the RVI forces the 2N go for theory

#### [4] Interpretation: Debaters must have a cite listing their contact information on the 2020-2021 NDCA LD wiki 30 minutes before their round.

#### Violation: They don’t – Screenshots in doc

Graphical user interface

Description automatically generated with medium confidence

#### Standards:

#### Pre round prep – it would be impossible to contact you before round, since I don’t know who to or your preferred contact – destroys preround prep because I don’t know what you read in previous rounds. Outweighs, since preround prep is a gateway issue to engagement.

#### accessibility: it's impossible for novices to learn by reaching out to others and decreases the likelihood of us being able to check your disclosure practices instead of making a voting issue in round