## MP:

#### Even if there’s an objective morality, it can’t be transcendent like a scientific law—moral judgements depend upon lower-level laws that require exceptions

Lance and Little 6 Mark Norris Lance and Margaret Olivia Little. “Defending Moral Particularism.” In *Contemporary Debates in Moral Theory*, James Dreier (ed.), 2006. Z. Smith Reynolds Library at Wake Forest University. Mark Norris Lance is a professor in the Philosophy Department and Justice and Peace Studies Program at Georgetown University Margaret Olivia Little Director, Kennedy Institute of Ethics Associate Professor, Philosophy Department Georgetown University https://philpapers.org/rec/LANPAA-2 //avery

But what if one does believe cruelty and the like to be univalent? The first thing to say is that, **even if there are exceptionless moral generalizations** functioning as higher-order laws in morality, this doesn’t itself obviate the (now **lower-order**) lawlikeness of the generalizations concerning our old friends lying, promise-keeping, and the infliction of pain. Higher-order laws, it turns out, can’t do all the heavy lifting. To give an example of Lange’s, it might be the case that all the phenomena of island biodiversity can be unified as instances of Darwinian survival strategy; pointing to laws at that higher level, that is, may unify and constrain patterns of behavior at the level of islands. Nonetheless, there are inferences – the raison d’être of theoretical principles – we can **make only by invoking the lower-level laws.** Laws of island biodiversity allow us to predict with fair accuracy, for instance, the population of a species given only the size of the island, something that cannot be done within Darwinian theory, which makes no mention of islands. Higher-level laws, in short, even where they exist, often fail to capture the content of laws at a lower level. Lower-level laws retain autonomous value. Second, once we realize that genuine laws admit of exception, space opens for a more radical rejoinder. For once we realize this, pressure is placed on why one should believe that exception-filled laws must be backed up at some higher level by a strict one. It places pressure, that is, on any ex ante commitment to the claim that exception-laden laws depend, for their existence, on exceptionless ones. Again, one may have a particular view about morality – here, about its metaphysical backing rather than its first-order normative structure – that implies the existence of strict higher-order moral laws. A Natural Law theorist, or again a Platonist about morality, is committed to the existence of strict moral laws that determine everything’s ethical nature, in much the same way the laws of physics determine all physical nature. But for those who have an essentially **organic, practice-based notion** of morality, according to which morality is **objective but not transcendent**, **there may be no hidden “scientific moral image” lying behind the manifest one.**15 Given the practice we find ourselves engaged in – and only from the perspective of such engagement – we have a sense of the point of that practice, and an understanding of our goals and purposes that allows us to amend that practice. But apart from our skillful involvement with it, we could not formulate any conception of its point, much less produce a codified theory of it that could be used to determine appropriateness within the practice. Moral understanding, while drenched in exception, is understanding of a structure, not merely a series of instances. What one comes to understand is a complex whole, in which intuitions about cases, privileged conditions, and compensatory moves all exert leverage on one another..

#### Moral principles frequently have exceptions—it’s not that nothing’s universal, but there’s no way to compare or codify values independent of context

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Moral particularists like exceptions. At any rate, they regard exceptions as **ubiquitous to moral principles**; more importantly, they view them as friend rather than foe. This is of course simply to state their philosophical intuition. We believe, though, that it’s the right intuition; and in this paper, we try to say why. In doing so, we will argue more to the second point than the first. We’ll be concerned less with demonstrating that the right moral principles in fact irreducibly admit of exception, and more with demonstrating that, if such exceptions do (as we suspect) exist, they should be tolerated and indeed embraced. This distinction points to two quite different bases for objecting to the type of moral particularism we’ll be developing. The first, about which we’ll have less to say, stems from substantive moral commitments. One might well believe that, all things considered, the best moral theory is one that in fact ends up cleaning up all exceptions; if so, one certainly won’t be a particularist. Resistance to particularism thus sometimes reflects commitment to a view such as **Kant**’s about lying, say, or the **util**itarian’s about pain, on which it turns out that lying is always wrong-making and pain always bad-making. This is a stance we respect (though we do not agree with it). After all, even those who believe that exceptions can be important must agree that **not all realms admit of them**. Physics, for instance, may well be a system susceptible to a codifiable structure of exceptionless laws (though its exceptionless laws may ending up having statistical quantifiers embedded in them); and even those who are particularists about physics would agree that we could, at any rate, make up a game whose every move is governed by a finite set of exceptionless rules. For many people, though, resistance to moral particularism stems not from any ex ante commitment to a given normative theory. It stems, instead, from commitment to an extra-moral view about the nature of explanation. It stems from a conception of the way in which reasons and explanation must function in any realm – namely, by subsumption under strict theoretical generalizations or laws. According to this view, exceptions stand in the way of genuine explanation. Those committed to such a picture will regard the presence of moral exceptions as an embarrassment to the theoretical task of moral understanding and justification: morality had better be secured by a structure that doesn’t admit of exception, on pain of morality’s demotion to second-class epistemic status. The answer to this sort of resistance is provision of a different model of explanation. We believe that, while reasons and explanation can travel by way of subsumption under strict laws, it is a deep mistake to think they always do – a mistake which, unless resisted, will obscure some of the richest views available. For some realms, ethics included, understanding and expertise is, at its heart, **a matter of understanding, not eliminating, exception**. Exceptions and Explanation Few people believe that lying is always wrong. After all, there may be some contexts in which another moral duty or principle – relief of terrible suffering, say – proves more important. Except where we are prepared to be absolutist, then, claims about the all-things-considered rightness or wrongness of following a given duty will have exceptions. Amongst those who concur with this rather innocuous statement, some believe we can recover a tractable calculus governing the interactions of the various duties or principles that come our way. Perhaps justice is lexically ordered over utility maximization; perhaps we can find a way to render duties’ strengths that will allow us to recover a calculative procedure for balancing them; perhaps specifying the duties to specific roles will allow us to set forth a once-and-for-all ordering of them. Others have set this aside as a misguided project. There is **no algorithm** or quantitative method, they urge, for deciding when justice should trump mercy rather than the other way round, no setting out a way to order or balance the virtues, principles, or duties (take your personal favorite) **independently of context**. Instead, it takes **qualitative judgment** or phronesis to make the comparative judgments in individual cases. Whichever side of that debate one comes down on, though, the vast majority of contemporary philosophers believe that relevant moral duties or features always make the same sort of contribution to a moral situation. Like the forces of physics, but without the vector calculus, we can isolate various moral forces that always push, as it were, in the same moral direction as telling for or against an action. We could put it by inserting a ‘ceteris paribus’ or ‘prima facie’ or ‘pro tanto’ qualifier in front of the claim that ‘lying is wrong’, where those qualifiers function to abstract away possible competing moral considerations. Such a claim is in essence equivalent to asserting an exceptionless connection between lying and a milder moral property: lying may sometimes be morally justified, but it is always wrong-making (see, e.g., Pietrowski 1993). It is here that moral particularists part company. Pain is always bad-making – well, except when it’s constitutive of athletic challenge; intentionally telling a falsehood is prima facie wrong – well, not when done to Nazi guards, to whom the truth is not owed, or when playing the game Diplomacy, where it’s the point of the contest. Pleasure always counts in favor of a situation – well, except when it’s the sadist’s delight in her victim’s agony, where her pleasure is precisely part of what is wrong with the situation.1 It is always wrong-making not to take competent agents at their word; well, not in the S&M room, where ‘no’ precisely does mean ‘yes’. Considerations that in one context tell in favor of an action can in another **go neutral or flip directions entirely**, and all in a way that **cannot be codified** in any helpful concrete way.

#### It is the burden of the affirmative to be able to prove that in every instance we have a moral obligation to do what they propose.

#### Permissibility and Presumption negate:

#### 1] Obligations – the resolution indicates the affirmative has to prove an obligation, and permissibility would deny the existence of an obligation – burden of proof proves

#### 2] Falsity – Statements are more often false than true because proving one part of the statement false disproves the entire statement. Presuming all statements are true creates contradictions which would be ethically bankrupt.

#### 3] Negating is harder – Aff gets last speech to crystallize and shape the debate in a way the favors them with no 3NR

#### A] a) The Affirmative positions itself as moral principle regarding a situation – This makes morality impossible to achieve since we are now constrained by engrained generalizations that fail to account for exceptions within principles - thus negate on presumption since the 1AC can never contextually justify their moral actions

#### B] Tying morality to principles causes harmful ethical thought – means we can never adjust our thoughts or break principles even if the situation would be better for it

#### C] Affirmative’s generalizations make weighing ethicality between actions impossible – Moral principles will see actions that violate that moral principle as ethically the same – Means we can never decide between conflicting principles and causes the inability to make decisions – Means even if moral principles are good, they make it impossible to act under principles

#### D] MP necessary to formulating real world ethical thinking – not all situations are in the same context and require specific moral analysis to derive moral action

#### E] Principles are epistemologically circular – “X action is bad to do because it is bad” means we never form justifications for why we should or shouldn’t undergo actions. Principles are self-referential in their justification for that principle’s existence – means principles fall apart on inspection leaving no ground for moral thought. Need contextual situation to epistemologically from reasoning – knowledge formation can’t be generated outside of engagement with ethical contexts

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## Case:

#### Kant relies on broad moral generalizations

Ridge and McKeever 20 Ridge, Michael and Sean McKeever, "Moral Particularism and Moral Generalism", The Stanford Encyclopedia of Philosophy (Winter 2020 Edition), Edward N. Zalta (ed.), URL = <https://plato.stanford.edu/archives/win2020/entries/moral-particularism-generalism/>. <https://plato.stanford.edu/entries/moral-particularism-generalism/>

The Kantian tradition puts enormous weight on the idea that morality must be principled and that the ultimate principle of morality must be one we can know a priori. According to Kant, the moral law as applied to imperfect agents who are subject to temptations, provides what he called a “categorical imperative”—an imperative whose rational authority is not dependent on the agent’s contingent ends. Kant provided several formulations of the categorical imperative. The so-called “universal law” formulation holds that one must always act so that one’s maxim could at the same time be willed as a universal law. The humanity formulation holds that one must always act so as to treat humanity, whether in one’s own person or that of another, always as an end and never merely as a means. The Kantian tradition emphasizes common sense moral ideas like respect and dignity, and provides a distinctive interpretation of the role of universalizability in moral thought. On some readings of Kant, the moral law must itself be constitutive of being a rational agent at all. This idea has, in turn, been enormously influential, especially in the late twentieth and early twenty-first century.

#### Also they link in this line “Therefore, In order to respect each agent as a practical reasoner, we require a universal set of moral laws for what counts as a violation of the principles of rational reflection.”

#### 1] In order to achieve broad ideas morality, we can’t have broad rules like Kant, we need lower level laws to build them up, also is/ought gap triggers presumption since the aff can’t justify ought and that flows neg

#### 2] Presumption doesn’t affirm, we only believe statements that are proven or reasonably true like why we don’t believe conspiracies and if everything is true then p and not p have to be true which is contradictory

#### 3] presumption doesn’t trigger permissibility because saying is wrong isn’t the same as saying aff doesn’t have moral obligations, and permissibility negates because in order to act we have to have a reason, and if we don’t have a reason to act then we don’t act (literally what Kant says) so permissibility/presumption can’t affirm

#### 4] Prefer the negative’s method of viewing offense

### Practical Reason:

#### 1] Looking at situations in their unique context solves better since we can be sure every time

#### 2] Practical reason means we can all reason individually and we can each decide the morality of an action and it solves better since we can focus on the context of each scenario

#### 3] A sleep walker doesn’t use practical reason to achieve their goal while sleeping, they don’t use human reason to move

#### 4] If anything this proves MP since specific things/scenarios can have different meanings so we need to analyze each one

### Standard:

#### On the standard -

#### Universal ethics not key to moral action. People in the real world don’t use Kantian ethics to make decision between right and wrong. Ethical decision making relies on descriptive context in order to formulate why and how we should act in specific circumstances. Universalizing certain facts is illogical and justifies moral atrocities i.e not allowing the poor family to steal food to survive because it would violate an ethical principle.

#### Everyone can reason means particularism by necessity solves arbitrariness and decision making.

#### Motivation is not universalizable. People act for different reasons In indifferent contexts. Also just empirically false, a huge amount o the world has no idea what the Categorical imperative is but we still act and can formulate moral decision making. Your ethical theory is simply not necessary in order for ethical action to occur.

#### On intent –

#### Weighing decisions relies on the circumstances of the scenario. Someone who accidently commits manslaughter versus someone who does it on purpose have different intents, but we still look at the consequences of these actions. Intent doesn’t save you from the consequences of your actions, they still matter in the morality f actions. Manslaughter doesn’t become okay if you didn’t mean to do it. This cross applies and turns their theory of morality.

### Offense:

#### Permissibility and presumption negate—the aff has the burden of proof to show the normative claim of the resolution is true, so the neg gets anything that denies that.

#### Any moral valuation presupposes the unconditional worth of humanity—that means treating others as ends in themselves. Korsgaard:

Christine Korsgaard, “Two Distinctions in Goodness” Library of Ethics and Applied Philosophy, RE

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 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 45-46/427-28; Doctrine of Virtue 43- 44/384-85). 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 capacity to set an end (G 56/437; 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.

#### Impacts:

#### Now negate:

#### 1] Self ownership entails a right to all products of your body and mind, which includes intellectual property.

Attas D. (2008) Lockean Justifications of Intellectual Property. In: Gosseries A., Marciano A., Strowel A. (eds) Intellectual Property and Theories of Justice. Palgrave Macmillan, London. <https://doi.org/10.1057/978-0-230-58239-2_2> JS

On a very simple notion of intellectual creativity, ideas are simply extensions of the self. That is to say, mental products such as ideas, inventions, works of art, and so on, come into being as parts of the mind, in the same way as body products, such as hair or blood, come into being as parts of the body. Since we own our body, we also own its products; if we similarly own our mind, we also own our mind’s products. Were Locke to have given any thought to the idea of intellectual property when he was writing Of Civil Government, he might have said not only that ‘The labour of his body, and the work of his hands’, but also that the ideas of his mind, ‘we may say are properly his’. There is no real need to ‘appropriate’ anything in the genuine sense, since these things come into the world already attached to persons having foundational rights of self-ownership with respect to them.

#### 2] Taking away intellectual property is a contradiction in conception, since if every agent was able to take the intellectual property then a] it would no longer be property and thus would not exist making the initial act incoherent and b] no one would make IP since there’s no incentive to so there’d be no IP to steal.

## REDO STUFF:

### 1NC:

#### Overview Stuff –

#### On 1 and 2 prefer negative reasons why, obligations point flows neg, A and B points for presumption make no sense and you don’t believe conspiracies and I needed proof that ur name was Sebastian in the form of tabroom saying so, not cuz u said so

#### 3] aff theory RVI, k2 checking friv theory and all args are 2 way streets, A and B point] if ur shells are good then you win on them u chose to start theory in the first place, C] git gud, u chose to read theory as a layer so its ur fault for having to make both layers exist, d] we conceded CI

#### 4] 2n arguments fine, k2 checking 1ar restarts and aff abuse aff can read 5 1ar shells but neg can’t do anything, if the 2n is highly abusive the aff can just say that and explain why reasonability key in that instance, I don’t want to read 2n shells unless u make me lol

#### 5] CI: we don’t need to, standard: how debate works, u need to argue for y u get an argument, u don’t auto get args, that is a huge strat skew, A] aff had inf prep u had 6 min to read reasons why u win and we both get 13 minutes to speak and if u need a 1ar restart to win that means ur 1ac was bad so u should lose, B] nuanced engagement happens if we debate which side gets which and weigh those points along with weighing presumption and permiss against each other, our world is better since we clash more on this