### AC

Two overviews to the framework:

#### Overview 1

Your framework is helplessly doomed in the context of government action – the way that virtue ethics escapes the means-based/ends-based divide is that rather than concern for duty or for consequences, virtue ethics is concerned with actions that foster character traits. However, a government does not have character traits – several implications **A.** you have no offense on face since your framework is literally not applicable to the resolutional question of legal action and **B.** be very skeptical of new 1AR framework cross-applications intended to discredit my turns or answers on case – the AC itself is not very clear about what virtuous government action entails, and CX doesn’t help.

#### Overview 2 – framework answers

1. Virtue ethics does not prove a moral obligation – it only functions to describe the qualities of good or bad action, solely as a means of judgment, which means you on face fail to meet your burden of showing the resolution as obligatory.

2. Appeal to virtue is always subjective. Classical Greeks valued pride while Christians value humility. Any attempt to objectively justify a virtue entirely begs the question of an alternative framework for judging virtues.

3. Virtue ethics is circular, we derive virtue from what the virtuous person does, but it’s impossible to determine what the virtuous person would do absent knowing what a virtue is.

4. Character traits don’t exist rather people do things based off of different emotional rises and lifts meaning virtues are a false construct. **Nadelhoffer**:[[1]](#footnote-1)

We commonly describe people’s behavior in terms of character traits such as honest, courageous, generous, and the like.  Furthermore, we praise and reward those who display virtuous character traits and we look down upon those who exemplify vices such as dishonesty, cowardice, and stinginess.   That virtue ethics captures this aspect of our everyday moral practices—i.e., our tendency to describe human behavior in terms of dispositional traits that give rise to virtues and vices—is purportedly one of its chief selling points.  On Aristotle’s intuitively plausible view, for instance, being properly habituated, morally speaking, makes it more likely that one will engage in the right behavior, under the right circumstances, and for the right reasons.  Moreover, not only does having the virtues make it maximally likely that one will engage in virtuous activity, but Aristotle also suggests that once an agent acquires the proper character traits, these dispositions are “firm and unchangeable” (NE, 1105b1).  So, while the virtues are not themselves sufficient for moral behavior, truly virtuous individuals will usually do what’s right even under the most difficult circumstances (NE, 1105a88-10).  If, on the other hand, virtuous character traits were not robust and stable predictors of moral behavior as Aristotle and others suggest, it is unclear why inculcating the virtues would better equip one to reliably navigate the complex moral world we inhabit. However, as intuitive and attractive as the characterological approach to moral psychology may initially appear, some philosophers have recently suggested that the virtue theorist’s commitment to robust and stable character traits opens her view up to possible empirical refutation (Harman 1999; 2000; Doris 1998; 2002).  On this skeptical view, the gathering data concerning the etiological role played by situational stimuli [which] paints a different picture of moral agency than the one adopted by Plato, Aristotle, and their contemporary followers.  Rather than a world being navigated by moral agents armed with robust and stable habituated dispositions to act, what we find is a world whereby **situational forces play a much larger role in moral agency** than philosophers have traditionally assumed. For present purposes, let’s call this the Situationist Challenge.  To get a feel for the sorts of empirical pressures that allegedly face virtue theorists, **consider the** surprising **results from the “helping for a dime” studies** reported in Isen & Levin (1972).  **Subjects were random pedestrians** in San Francisco, CA and Philadelphia, PA **who stopped to use a** public **payphone.  Whereas some subjects found a dime that had been planted in the phone booth** by researchers, **other** **s**ubjects **did not** find a dime.**When subjects left the phone booth, a** female **confederate of the researchers dropped** an armful of **papers** and researchers recorded whether or not the individuals leaving the phone booth stopped to help.  The results were shocking**: the subjects who found the dimes were *22 times more likely to help a woman who “dropped” her papers* than** the **subjects who did not find the dime.**  Let that sink in for a moment.  The slight elevation in emotion caused by randomly finding a dime on top of pay phone made a significant difference on subjects’ moral behavior—something presumably all participants would deny if asked.  Perhaps the most surprising feature of these results isn’t that something so morally insignificant—namely, finding a dime in a phone booth—had such a pronounced effect on people’s moral behavior, rather it’s that these results appear to be *representative* of moral behavior rather than *anomalous*.

This is also biologically verified, eating chocolate causes a rush of endorphins to the brain causing us to be more charitable, our “virtues” or character traits are not in our choice, they are affected by situational arbitrariness. We don’t have control over our virtues and they aren’t morally praiseworthy.

5. Virtue ethics collapses since it has no way to resolve dilemmas, **Hursthouse and Zalta**:[[2]](#footnote-2)

Another objection to which the *tu quoque* response is partially appropriate is (iii) “the conflict problem.” What does virtue ethics have to say about dilemmas — cases in which, apparently, **the requirements of different virtues conflict** because they point in opposed directions? **Charity prompts me to kill the person who would be better off dead, but justice forbids it.** **Honesty points to telling the hurtful truth, kindness and compassion to remaining silent or even lying. What shall I do?** Of course, the same sorts of dilemmas are generated by conflicts between deontological rules. Deontology and virtue ethics share the conflict problem (and are happy to take it on board rather than follow some of the utilitarians in their consequentialist resolutions of such dilemmas) and in fact their strategies for responding to it are parallel. Both aim to resolve a number of dilemmas by arguing that the conflict is merely apparent; a discriminating understanding of the virtues or rules in question, possessed only by those with practical wisdom, will perceive that, in this particular case, the virtues do not make opposing demands or that one rule outranks another, or has a certain exception clause built into it. Whether this is all there is to it depends on whether there are any irresolvable dilemmas. If there are, proponents of either normative approach may point out reasonably that it could only be a mistake to offer a resolution of what is, *ex hypothesi*, irresolvable.

#### Contention overview

##### 1. Gun ownership is key to self-defense, **Kates ‘13:[[3]](#footnote-3)**

Many Americans are armed, and handguns are used for self-defense millions of times per year. 36 **“[S]urveys reveal** a great deal of self-defensive use of firearms, in fact, **more defensive gun uses than crimes committed with firearms**.” 37 For instance, “firearms are used **over half a million times in** a typical year against **home invasion** burglars; usually **the burglar flees as soon as [t]he[y] find**s **out** that **the victim is armed**, and **no shot is** ever **fired.**” 38 Overwhelmingly when victims draw guns, criminals flee. **Criminals** flee armed citizens because they **want helpless victims, not gunfights** with armed ones. Indeed, 36 percent of the respondents **in [a study of** imprisoned **juvenile criminals**] reported having decided at least “a few times” not to commit a crime because they believed the potential victim was armed. **Seventy percent** of the respondents **report**ed **having been “scared off**, shot at, wounded, or captured **by an arm**ed crime victim.” 39 Criminological studies conclude that “[r]esistance with a gun appears to be [the] most effective [response to criminal attack] in preventing serious injury [to victims, and] . . . for preventing property loss.” 40 As professors Hans Toch and Alan Lizotte write: [W]hen used for protection, firearms can seriously inhibit aggression and can provide a psychological buffer against the fear of crime. Furthermore, the fact that national **patterns show little** violent **crime where guns are most dense** implies that guns do not elicit aggression in any meaningful way. . . . Quite the contrary, these findings suggest that high saturations of guns in places, or something correlated with that condition, inhibit illegal aggression. 4

Impacts and weighing – **A.**  having the resolve to use self-defense is key to development of courage, which independent outweighs since having fortitude is a prerequisite to your being strong enough to exercise any other virtue **B.** my Kates evidence indicates that gun bans would statistically lead to more crime since ownership deters it, which destroys virtue since criminals act non-virtuously and because crimes cause cycles of non-virtue through which children are more likely to need to resort to crime.

2. The conclusion of virtue ethics is ultimately anarchy – if my mom forces me to be nice to my classmate I am not actually compassionate, which means that virtues must both be independently fostered and independently validated. A government’s compulsory ban would mean no one is actually being virtuous – precludes your offense since even if gun ownership is bad that’s not a reason to legally prohibit it. Several implications **A.** negate since your framework denies the assumption that we enact a legal ban since it says compulsory laws are bad and **B.** the aff restricts a necessary precondition to virtue so negate.

##### 3. Promise keeping is directly mandated by virtues, Habib 14:

Habib, Allen, "Promises", The Stanford Encyclopedia of Philosophy (Spring 2014 Edition), Edward N. Zalta (ed.), URL = <http://plato.stanford.edu/archives/spr2014/entries/promises/>.

Representative of the ancient view, for Aristotle promise-keeping is directly mandated by the virtues, **in particular,** those of honesty and justice (as well as liberality in cases of purely gratuitous promises): Let us discuss them both, but first of all the truthful man. We are not speaking of the [person] man who keeps faith in his agreements, i.e., in the things that pertain to justice or injustice (for this would belong to another excellence), but the man who in the matters in which nothing of this sort is at stake is true both in word and in life because his character is such. But such a man would seem to be as a matter of fact equitable. For the man [a person] who loves truth, and is truthful where nothing is at stake, will still more be truthful where something is at stake; he will avoid falsehood as something base, seeing that he avoided it even for its own sake; and such a man is worthy of praise. He inclines rather to understate the truth; for this seems in better taste because exaggerations are wearisome. (Nicomachean Ethics, iv. vii, 1127a-1127b)

Prefer Aristotle – he was one of the founders of virtue ethics, which means I more directly access the framework. Promises also outweigh other virtues since they’re codifiable and evaluable, which makes them binding as opposed to hypothetical virtues. And, the government has promised it’ll follow the Constitution, **The State Department**[[4]](#footnote-4):

It **[The Constitution] establishes the form of the national government and defines the rights** and liberties **of the** American **people. It** also **lists the aims of** the ational **government** and the methods of achieving them. Previously, the nation's leaders had established an alliance among the states under the Articles of Confederation. But the Congress created by the Articles lacked the authority to make the states work together to solve national problems. After the states won independence in the Revolutionary War (1775-1783), they faced all the problems of peacetime government. The states had to enforce law and order, collect taxes, pay a large public debt, and regulate trade among themselves. They also had to deal with Indian tribes and negotiate with other governments. Leading statesmen, such as George Washington and Alexander Hamilton, began to discuss the need to create a strong national government under a new constitution. Hamilton helped bring about a constitutional convention that met in Philadelphia, Pennsylvania, in 1787 to revise the Articles of Confederation. But a majority of the delegates at the convention decided instead to write a new plan of government -- the Constitution of the United States. **The Constitution established** not merely a league of states, but a government that exercised its authority directly over all citizens. The Constitution **[and] defines the powers delegated to the** national **government.** In addition, it protects the powers reserved to the states and the rights of every individual.

And the aff is unconstitutional, **Hennessey ‘14:**
Hennessey 14 Kathleen Hennessey (Contact Reporter for LA Times). “Washington handgun ban unconstitutional, judge rules.” LA Times. 27 July 2014. HW. http://www.latimes.com/nation/nationnow/la-na-nn-handgun-ban-washington-dc-unconstitutional-judge-20140727-story.html

A federal judge struck down the nation’s last complete prohibition on carrying guns outside the home, declaring the District of Columbia’s strict handgun ban unconstitutional. The ruling by a judge in New York, announced late Saturday, is the latest blow to the decades-long gun law in the nation’s capital, which is plagued by violent crime. In a landmark decision in 2008, the Supreme Court struck down the district’s handgun ban, establishing for the first time a personal right to own a weapon under the 2nd Amendment. Senior District Court Judge Frederick J. Scullin Jr., a former Army colonel appointed to the court by President George H.W. Bush, ruled that the right to a weapon extended outside the home **both for residents and visitors to Washington. Going well beyond the Supreme Court decision in District of Columbia vs. Heller, Scullin found that** carrying arms outside the home for self-defense fell within the legal definition of the right to bear arms enunciated in the 2nd Amendment. In the Heller case, the Supreme Court did not address whether the 2nd Amendment allowed someone to carry a weapon outside the home. The high court has repeatedly turned down invitations to decide that issue. Scullin, who presides in Syracuse but was assigned the case by Chief Justice John G. Roberts Jr., relied heavily on U.S. appellate court rulings striking down public carry bans in San Diego County and Illinois. Four plaintiffs and the Second Amendment Foundation, a gun rights advocacy group, challenged the District of Columbia ban when it was rewritten following the Supreme Court ruling. The revised law allowed police to issue gun permits for self-defense inside the home. That process effectively prohibited nonresidents from obtaining permits and limited an individual's right to self-defense, according to the plaintiffs, who challenged the law in 2009. The case stalled in the crowded federal court system but was eventually assigned to Scullin with the goal of speeding up the process. Although Scullin found that Washington’s law violated 2nd Amendment rights, he said the government could place “some reasonable restrictions” on the carrying of handguns, such as bans in public schools, age restrictions and mental health requirements. Such measures amount to a “proper balance” between gun rights and public safety,he wrote in the 19-page opinion. A gun owner may simply decide not to enter a school, he said, and would experience “a lesser burden” on the right to self-defense. Scullin did not stay enforcement of his ruling pending an appeal, leading gun rights groups to assert that it was now legal to openly carry a handgun in Washington. The city is expected to seek a stay of the ruling from Scullin or a federal appeals court.

1. http://thesituationist.wordpress.com/2010/08/23/virtue-ethics-and-the-situationist-challenge/ Thomas Nadelhoffer Has degrees in philosophy from The University of Georgia (BA), Georgia State University (MA), and Florida State University (PhD). Since 2006, I have been an assistant professor of philosophy and a member of the law and policy faculty at Dickinson College in Carlisle, Pennsylvania. [↑](#footnote-ref-1)
2. Hursthouse, Rosalind, "Virtue Ethics", The Stanford Encyclopedia of Philosophy (Winter 2010 Edition), Edward N. Zalta (ed.), URL = <http://plato.stanford.edu/archives/win2010/entries/ethics-virtue/>. [↑](#footnote-ref-2)
3. Don B. Kates [Yale Law School] and Alice Marie Beard [J.D., George Mason University School of Law], “Murder, Self-Defense, and the Right to Arms,” Connecticut Law Review, Vol. 45, July 2013. [↑](#footnote-ref-3)
4. "The Constitution of the United States of America." *Almanac of Policy Issues*. June 2004. Web. <http://www.policyalmanac.org/government/archive/constitution.shtml>. [↑](#footnote-ref-4)