## 1

**Interp – If the affirmative defends anything other than a conventional violation model of theory, they must provide a fair strategy or CI to their specific advocacy. (To clarify, you must explain how the the negative can answer a shell without a violation)**

## 2

#### 1. Inclusion – It’s bad for inclusion:

#### A) it’s ableist.

Ryan 11, Intro to ethics @ Birmingham University Phil 140; “Cognitive Disability, Misfortune, and Justice”; Jan 17; <http://parenethical.com/phil140win11/2011/01/17/group-3-cognitive-disability-misfortune-and-justice-deontology-ryan/>

In Kant's deontological ethics, one has a duty to treat humanity not as a means, but as an ends. However, Kant's criterion for being part of humanity and moral agency is not biological. In order to be considered fully human, and a moral agent, one must be autonomous and rational. If one lacks rationality and autonomy they cannot escape the chain of causality to act freely from moral principles, and hence are not moral agents. Kant's moral program fails to account for those who are cognitively impaired because they lack autonomy and rationality. Since Kant's requirement for moral agency is so cut-and-dry and leaves no room for ambiguity, there is no clear moral distinction made between the cognitively impaired and other non-human animals. In the case of Kant, there could be no universal moral law from the categorical imperative that would apply to the cognitively impaired and not non-human animals as well. Kant and McMahan are similar, in that their standards for moral agency exclude the cognitively impaired (rationality/autonomy and psychological capacities respectively). In Kant's morality, those who are rational and autonomous are to be treated as ends in themselves. In the case of the cognitively impaired, there is no such requirement. Similarly, in McMahan's moral theory, those who are human and unfortunate are entitled to compensation by society under the dictates of justice. However, according to McMahan the cognitively impaired are not human in the relevant sense (possessing certain psychological capacities and features) so they are not entitled to compensation. In excluding the cognitively impaired from moral agency, both Kant and McMahan reach a conclusion that many of us find unsettling, in which we might give the cognitively impaired a moral preference over a similarly endowed non-human animal, is because of a responsibility to respect the family members of the cognitively endowed, not because [that] they have [no] any value as moral agents in themselves.

#### B) It’s homophobic. This isn’t an ad hominem but the logical conclusion of his philosophy. Being gay is a contradiction in conception, since if everyone had homosexual intercourse, their would be no reproduction. Kant believes this is sex without function, requires sacrificing rational agency for the subordinate end of pleasure.

Alan Soble, American philosopher and author of several books on the philosophy of sex. He taught at the University of New Orleans from 1986 to 2006. He is currently Adjunct Professor of philosophy at Drexel University in Philadelphia, Kant and Sexual Perversion, The Monist 86:1 (Jan. 2003), pp. 55-89, <https://philpapers.org/archive/SOBKAS> ///AHS PB

Kant's Vorlesung treatment of the crimina carnis contra naturam sounds like Aquinas's and (ignoring the chronology) looks like an extension to other practices of what Kant wrote about masturbation in the Tugendlehre: Uses of sexuality which are contrary to natural instinct and to animal nature are crimina carnis contra naturam. First among them we have onanism. This is abuse of the sexual faculty without any object, the exercise of the faculty in the complete absence of any object of sexuality. The practice is contrary to the ends of humanity and even opposed to animal nature. By it man sets aside his person and degrades himself below the level of animals.74 Kant does not mention that the masturbator might create an object through imagination. What the masturbator does is to have a sexual experience without any worldly object (Aquinas) and hence cannot preserve the species. But notice that Kant says that masturbation "is contrary to the ends of humanity and even opposed to animal nature," as if its being contrary to nature is of independent and secondary moral importance. What seems crucial for Kant is that masturbation "is contrary to the ends of humanity," that is, directly violates the Second Formulation. Kant immediately continues by completing his sparse inventory of three objectionable, sexually unnatural, practices: A second crimen carnis contra naturam is intercourse between sexus homogenii, in which the object of sexual impulse is a human being but there is homogeneity instead of heterogeneity of sex. . . . This practice too is contrary to the ends of humanity; for the end of humanity in respect of sexuality is to preserve the species without debasing the person; but in this instance the species is not being preserved (as it can be by a crimen carnis secundum naturam), but the person is set aside, the self is degraded below the level of the animals, and humanity is dishonoured. The third crimen carnis contra naturam occurs when the object of the desire is in fact of the opposite sex but is not human. Such is sodomy, or intercourse with animals. This, too, is contrary to the ends of humanity and against our natural instinct. It degrades mankind below the level of animals, for no animal turns in this way from its own species.75

#### C) Kantianism is anti-Black racism – not his personal views, but his transcendental philosophy depends on the character and capacity individuals have for moral reasoning. Black people may have value, but they lack moral worth and the character necessary for rational moral thought in Kant’s critical philosophy. Kantianism denies Black, Brown, and Indigenous humanity for white superiority. Eze 97,

Eze—1997 (Emmanuel, Professor of Philosophy @DePaul University, “The Color of Reason” in PostColonial African Philosophy: A Critical Reader [Cambridge: Blackwell Publishing, 1997], 103-131

Over and beyond Buffon or Linnaeus, **Kant, in his transcendental philosophy (e.g., *Critique of Pure Reason),* describes ways of orienting oneself geographically in space, mathematically in space and time, and, logically, in the construction of both categories into other sorts of consistent whole**. In the *Observations on the Feeling o/the Beautiful and Sublime,* a work which ought to be considered as primarily anthropological, **Kant shows the theoretic transcendental philosophical position at work when he attempts to work out and establish how a particular (moral) feeling relates to *humans generally,* and how it differs between men and women, and among different races.** For example, "feeling" as it appears in the title of the work refers to a specific refinement of character which is *universally* properly human: that is, belonging to human nature as such. And we recall that for Kant "human nature" resides in the developmental expression of rational-moral "character." **Since it is character that constitutes the specificity of human nature, "human nature *proper,"* then whatever dignity or moral worth the individual" may have is derived from the fact that one has struggled to develop one's character, or one's· humanity, as universal**. Kant states: In order to assign man into a system of living nature, and thus to characterize him, no other alternative is left than this: that he has a character which he himself creates by being capable of perfecting himself after the purposes chosen by himself. Through this, he, as an animal endowed with reason *(animale rationabile)* can make out of himself a rational animal *(animale rationale).* "**Character," as the moral formation of personality, seems to be that on which basis humans have worth and dignity,and one consequence of this is that those peoples and "races" to whom Kant assigns minimal or pseudo rational-moral capacity** - either because of their non-"white" skin color (evidence of lack of "true talent") or because of the presence of phlogiston in their blood or both - **are seriously naturally or inherently inferior to those who have the "gift" of higher rational attainments, evidence of which is seen in their superior "white" skin color, the absence of phlogiston in their blood, and the superior European civilization While the non-European may have "value," it is not certain that he or she has true "worth.**" According to Kant: everything has either a value or a worth. What has value has a substitute which can replace it as its equivalent; but whatever is, on the other hand, exalted above all values, and thus lacks an equivalent ... has no merely relative value, that is, a price, but rather an inner worth,. that is dignity ... Hence morality, and humanity, in so far as it is capable of morality, can alone possess dignity**. If non-white peoples lack "true" *rational* character** (Kant believes, for example, that the character of the *Mohr* is made up of *imagination* rather than reason) **and therefore lack "true" *feeling* and moral sense, then they do not have "true" worth, or dignity. The black person, for example, can accordingly be denied full humanity, since full and "true" humanity accrues only to the white European.For Kant European humanity is *the* humanity *par excellence.***

**That Negates – It makes trying to obligate people to act under Kant incoherent since A) a large portion of the population has no reason to care about obligations under your framework since they aren’t Kantian agents and B) even if they were, the standard just violates their freedom which is a prior condition to any other actions under it c) Inclusion – justifies oppression.**

#### And Accessibility comes first –

#### 1. It’s a pre-requisite – in order for us to debate a) we have to feel safe and not exclude anyone from the discussion through justifying things like their death or triggering them and b) driving people out of the space prevents any debate from happening in the future which means all other benefits can only be achieved by first maintaining the accessibility of the space.

#### 2. Proximity – The judge’s most proximal obligation as an educator is to ensure the safety and accessibility of the debate space which outweighs on intrinsicness to the nature of the role of the judge.

#### 3. Dropping out – People don’t drop out of debate because it’s unfair or uneducational but they do drop out when the space becomes too violent or inaccessible – empirically proven by an increase in Non-T affs and participation despite people considering them to be unfair.

#### They read morally repugnant arguments. The judge has a proximal obligation to ensure inaccessible practices don’t proliferate. Accessibility is a voting issue since all aff arguments presuppose that people feel safe in this space to respond to them.

## 2

#### Being non-alienated is a side constraint on the aff fwk: Only way to evaluate non-natural properties is through our relations

#### Our functional capacity of willing and taking actions is mediated by social roles – as the authentic self is inexplicably linked to the self that engages in social communities with others through duplication. Understanding the functionality of the will is impossible in a vacuum.

#### Jaeggi 1, Jaeggi, Rahel. “Alienation.” Columbia University Press, cup.columbia.edu/book/alienation///Scopa. The positions of both authors can be reduced to the following common denominator: roles are less alienating than constitutive for the development of persons and personality. They are constitutive in the sense that they are directly bound up with a person’s development and, so, “productive.” At first glance this position might seem to come down on one side of the two alternatives—an unconditional affirmation of roles—but after giving a brief account of the position, I will make use of it to move beyond the two alternatives. Once the “productivity thesis” has been articulated, it will be possible to distinguish between alienating and non-alienating aspects of role behavior. THE HUMAN BEING AS DOPPELGÄNGER Roles are productive. In and through them we first become ourselves. This is the essence of Helmuth Plessner’s conception of the positive significance of roles (which he developed as a direct response to critiques of them as alienating). “The human being is always himself only in ‘doubling’ in relation to a role figure he can experience. Also, all that he sees as comprising his authenticity is but the role he plays before himself and others.22 Roles on this view are not only necessary in order to make social interaction possible, whether this be a “being together” of individuals or a benign “passing each other by;” interaction mediated by roles is also constitutive of an individual’s relation to herself.

#### This culminates in the act of appropriation – the ability to view yourself as a practical agent capable of taking up a project that actively changes your own subject and the role itself. Jaeggi 2, Jaeggi, Rahel. “Alienation.” Columbia University Press, cup.columbia.edu/book/alienation///Scopa. What does it mean to appropriate something?12 If the concept of appropriation refers to a specific relation between self and world, between individuals and objects (whether spiritual or material), what precisely does this relation look like, what are its particular character and its specific structure? Various aspects come together here, and together they account for the concept’s appeal and potential. As opposed to the mere learning of certain contents, talk of appropriation emphasizes that something is not merely passively taken up but actively worked through and independently assimilated. In contrast to merely theoretical insight into some issue, appropriation—comparable to the psychoanalytic process of “working through”—means that one can “deal with” what one knows, that it stands at one’s disposal as knowledge and that one really and practically has command over it. And appropriating a role means more than being able to fill it: one is, we could say, identified with it. Something that we appropriate does not remain external to ourselves. In making something our own, it becomes a part of ourselves in a certain respect. This suggests a kind of introjection and a mixing of oneself with the objects of appropriation. It also evokes the idea of productively and formatively interacting with what one makes one’s own. Appropriation does not leave what is appropriated unchanged. This is why the appropriation of public spaces, for example, means more than that one uses them. We make them our own by making a mark on them through what we do in and with them, by transforming them through appropriative use such that they first acquire a specific form through this use (though not necessarily in a material sense). Although it has one of its roots in an account of property relations, the concept of appropriation, in contrast to mere possession, emphasizes the particular quality of a process that first constitutes a real act of taking possession of something. Accordingly, appropriation is a particular mode of seizing possession.13 Someone who appropriates something puts her individual mark on it, inserts her own ends and qualities into it. This means that sometimes we must still make something that we already possess our own. Relations of appropriation, then, are characterized by several features: appropriation is a form of praxis, a way of relating practically to the world. It refers to a relation of penetration, assimilation, and internalization in which what is appropriated is at the same time altered, structured, and formed. The crucial point of this model (also of great importance for Marx) is a consequence of this structure of penetration and assimilation: appropriation always means a transformation of both poles of the relation. In a process of appropriation both what is appropriated and the appropriator are transformed.

#### Thus, the side-constraint is consistency with non-alienated relations.

#### Prefer –

#### 1. Action theory – Only viewing an agent as an active body capable of generating intentions can hold agents culpable and decipher the difference between actions and wishes. That’s a necessary feature of ethics since we must be able to warrant a coherent conception of what motivates our actions in order to provide a method to actually implement ethical principles.

#### 2. Epistemology – Only an understanding of appropriation can unify the distinction between theoretical and practical knowledge. Theoretical abstract concepts like 2+2=4 are true and necessary, but can only become useful once explained in context of how they actualize in the world through our intentions. That means absent an explanation of how that knowledge mixes with the world around us, it becomes useless.

#### I contend that member nations of the WTO ought not reduce intellectual property protections for medicine.

#### [1] Intellectual property is a self-expression of the subject. When it’s used in a way that doesn’t reflect the framer’s intent, it is alienating.

Justin Hughes 98, "The Philosophy of Intellectual Property," 77 Georgetown L.J. 287, 330-350 (1988) [https://cyber.harvard.edu/IPCoop/88hugh2.html] AHS//MAK recut emi Accessed 8/10/21

"On the Hegelian perspective, payments from intellectual property users to the property creator are acts of recognition." 3. Intellectual Property Under Hegel. For Hegel, intellectual property need not be justified by analogy to physical property. In fact, the analogy to physical property may distort the status Hegel ascribes to personality and mental traits in relation to the will. Hegel writes: Mental aptitudes, erudition, artistic skill, even things ecclesiastical (like sermons, masses, prayers, consecration of votive objects), inventions, and so forth, become subjects of a contract, brought on to a parity, through being bought and sold, with things recognized as things. It may be asked whether the artist, scholar, &c., is from the legal point of view in possession of his art, erudition, ability to preach a sermon, sing a mass, &c., that is, whether such attainments are "things." We may hesitate to call such abilities, attainments, aptitudes, &c., "things," for while possession of these may be the subject of business dealings and contracts, as if they were things, there is also something inward and mental about it, and for this reason the Understanding may be in perplexity about how to describe such possession in legal terms. . . . n205**.** Intellectual property provides a way out of this problem, by "materializing" these personal traits.Hegel goes on to say that "[a]ttainments, eruditions, talents, and so forth, are, of course, owned by free mind and are something internal and not external to it, but even so, by expressing them it may embody [\*338] them in something external and alienate them." n206.Hegel takes the position that one cannot alienate or surrender any universal element of one's self. Hence slavery is not permissible because by "alienating the whole of my time, as crystallized in my work, I would be making into another's property the substance of my being, my universal activity and actuality, my personality." n207 Similarly, there is no right to sacrifice one's life because that is the surrender of the "comprehensive sum of external activity." n208 This doctrine supplies at least a framework to answer the question of intellectual property that most concerns Hegel. It is a question we ignore today, but one that is not easy to answer: what justifies the author in alienating copies of his work while retaining the exclusive right to reproduce further copies of that work. A sculptor or painter physically embodies his will in the medium and produces one piece of art.When another artist copies this piece Hegel thinks that the hand-made copy "is essentially a product of the copyist's own mental and technical ability" and does not infringe upon the original artist's property. n209 The **problem arises when a creator of intellectual property does not embody** his **will in an object** in **the** same **way the artist does**. The writer physically manifests his will only "in a series of abstract symbols" which can be rendered into "things" by mechanical processes not requiring any talent. n210 The dilemma is exacerbated by the fact that "the purpose of a product of mind is that people other than its author should understand it and make it the possession of their ideas, memory, thinking, &c." n211 This concern for the common of ideas is familiar. In resolving this dilemma, Hegel says that the alienation of a single copy of a work need not entail the right to produce facsimiles because such reproduction is one of the "universal ways and means of expression . . . which belong to [the author]." n212 Just as he does not sell himself into slavery, the author keeps the universal aspect of expression as his own. The copy sold is for the buyer's own consumption; its only purpose is to allow the buyer to incorporate these ideas into his "self." Hegel also identifies the instrumentalist-labor justification as a consideration against granting full rights of reproduction to buyers of individual copies [\*339] of a work. Hegel admits that protecting intellectual property is "[t]he purely negative, though the primary, means of advancing the sciences and arts." n213 Beyond this, Hegel says little. He declares that intellectual property is a "capital asset" and explicitly links this label to a later section in which he defines a "capital asset." n214 There is considerable literature on how Hegel did not develop the idea of "capital" to its logical conclusions, n215 but here "capital asset" can be understood as property which has a greater tendency to permanence and a greater ability than other property to give its own economic security

#### [3] Objectification - Absent intellectual property, agents feel like objects since they aren’t recognized for their exercise of agency. This procedurally prevents further appropriation bc agents lack incentive to innovate when they’re detached from their goods.

#### And

The universalizability test uniquely alienates desires.

Donahue 2- Brian Donahue, assistant professor of English at Gonzaga University with a Ph.D. from Purdue University, Gonzaga University, 2002 ["Marxism, Postmodernism, Zizek", http://pmc.iath.virginia.edu/issue.102/12.2donahue.html, 2-19-2019] // ahs em

Indeed, Lacan's ethical imperative must be taken as explicitly opposed to the concept of conventional morality with its focus on maximizing the Good, which functions as the arbiter of all action, since this model ultimately leads to a psychological paralysis arising from infinite consideration of ramifications, a process that turns the subject into a perpetual Hamlet, standing behind Claudius but unable to decide whether killing him or not killing him would be the better option. The interminable process of trying to decide which course of action leads to the "greater Good" entails its own kind of choice (that is, to "compromise one's desire" by default) with its own kind of psychic consequences for the subject. Zizek explains this ethical-moral distinction through a Greimasian semiotic square based on the four possible arrangements of the positive and negative versions of these terms and the figures corresponding to the four pairings--moral, ethical (Saint); immoral, unethical (Scoundrel); immoral, ethical (Hero); and moral, unethical (superego)--and endorses the Lacanian championing of Hero over superego (Metastases 67). Zizek also anticipates the anxious objection that this Lacanian ethical attitude is too radical in its practical implications: is it reasonable to propose that everyone unrelentingly pursue his or her own desire and renounce all other considerations? Don't "ordinary" people need an "ethics of the 'common Good,'... despicable as it may appear in the eyes of the suicidal heroic ethics advocated by Lacan?" (Metastases 69). But he concludes that this concern--"What if everyone were to do the same as me?"--is simply another way of introducing the "pathological consideration of the consequences of our act in reality" and therefore functions as a way of imposing superego injunctions, restraints, and cycles of guilt through the insistence that we renounce our desire precisely because it cannot be universalized (69).

## 3

#### Now my offense

#### [1] Not having IP protections violates the categorical principle.

**Van Dyke 18 -** “The Categorical Imperative for Innovation and Patenting” on july 17, 2018 By Raymond Van Dyke has been an intellectual and technology attorney and consultant for over 25 years, specializing in IP procurement, prosecution, IP portfolio building and management, licensing, legislative advocacy and expert witnessing. He is licensed to practice law in Washington, DC, Maryland, New Jersey, New York, Texas, and the Patent & Trademark Office of the United States. He is also admitted to practice before the Supreme Court of the United States, the Court of Appeals for the Federal, Second, Third, Fourth and Fifth Circuits, as well as the Federal Court of Claims and the Court of International Trade. For more information or to contact see his profile at Van Dyke Law. [https://www.ipwatchdog.com/2018/07/17/categorical-imperative-innovation-patenting/id=99178/] // ahs emi

As we shall see, applying Kantian logic entails first acknowledging some basic principles; that the people have a right to express themselves, that that expression (the fruits of their labor) has value and is theirs (unless consent is given otherwise), and that government is obligated to protect people and their property. Thus, an inventor or creator has a right in their own creation, which cannot be taken from them without their consent. So, employing this canon, a proposed Categorical Imperative (CI) is the following Statement: creators should be protected against the unlawful taking of their creation by others. Applying this Statement to everyone, i.e., does the Statement hold water if everyone does this, leads to a yes determination. Whether a child, a book or a prototype, creations of all sorts should be protected, and this CI stands. This result also dovetails with the purpose of government: to protect the people and their possessions by providing laws to that effect, whether for the protection of tangible or intangible things. However, a contrary proposal can be postulated: everyone should be able to use the creations of another without charge. Can this Statement rise to the level of a CI? This proposal, upon analysis would also lead to chaos. Hollywood, for example, unable to protect their films, television shows or any content, would either be out of business or have robust encryption and other trade secret protections, which would seriously undermine content distribution and consumer enjoyment. Likewise, inventors, unable to license or sell their innovations or make any money to cover R&D, would not bother to invent or also resort to strong trade secret. Why even create? This approach thus undermines and greatly hinders the distribution of ideas in a free society, which is contrary to the paradigm of the U.S. patent and copyright systems, which promotes dissemination. By allowing freeriding, innovation and creativity would be thwarted (or at least not encouraged) and trade secret protection would become the mainstay for society with the heightened distrust.

#### [3] IP is a procedural prerequisite to property rights since before one can make something their property, they must first be able to conceive of owning the property. This makes reducing IP rights equivalent to theft since taking away the products of one’s mind inherently also interferes with their ability to own physical products.