# 1NC

## 1

#### Interp: cant say aff theory is dtd, no rvi, ci and aff fairness issues come before nc arguments,

#### Violation – Their UV

#### 1] Inf – Abuse - They can just READ a theory shell thas dtd/no rvi/ci that means their standard automatically comes before any 1nc standard since aff fairness comes first, it also means it comes as the highest layer cuz i cant weigh between other shells cuz the aff has the highest fairness adv. So this means that as long as they j read a shell i violate in the 1ar i will lose

#### Fairness and education are voters – its how judges evaluate rounds and why schools fund debate

#### DTD – it’s key to norm set and deter future abuse

#### Neg theory is DTD - 1ARs control the direction of the debate because it determines what the 2NR has to go for – DTD allows us some leeway in the round by having some control in the direction

#### Competing interps – Reasonability invites arbitrary judge intervention and a race to the bottom of questionable argumentation – it also collapses since brightlines operate on an offense-defense paradigm

#### No RVIs – A – Going all in on theory kills substance education which outweighs on timeframe B - Discourages checking real abuse which outweighs on norm-setting C – Encourages theory baiting – outweighs because if the shell is frivolous, they can beat it quickly D – its illogical for you to win for proving you were fair – outweighs since logic is a litmus test for other arguments E - Kills norm setting since debaters can never admit they’re wrong – outweighs since norm setting is the constitutive purpose of theory F – They are the logic of criminalization that over-punish people-of-color for trying to create productive discourse

## 2

#### Interpretation - the affirmative can only garner offense from the hypothetical implementation of their plan text

#### Resolved means a legislative policy

Words and Phrases 64 Words and Phrases Permanent Edition. “Resolved”. 1964.

Definition of the word “resolve,” given by Webster is “to express an opinion or determination by resolution or vote; as ‘it was resolved by the legislature;” It is of similar force to the word “enact,” which is defined by Bouvier as meaning “to establish by law”.

#### "Resolved" requires a policy.

Merriam Webster '18 (Merriam Webster; 2018 Edition; Online dictionary and legal resource; Merriam Webster, "resolve," <https://www.merriam-webster.com/dictionary/resolve;> RP)  
: a legal or official determination especially: a legislative declaration

#### Violation- They defend the resolution as a general principle and refuse to defend impacts under implementation

#### A] Clash, the resolution serves as a predictable stasis point to enhance accessible research and equitable ground, but obfuscating that limit makes negative preparation impossible because any ground we receive is self-serving, concessionary, and from distorted literature bases---defining a role for negation is essential to sustaining competition and comes before any affirmative offense---the impact is debatability

#### B] Limits —re-contextualizing the resolution lets them defend any method exploding limits, which erases neg ground and renders research burdens untenable for points of difference for third- and fourth-line testing, DAs, PICs, CPs, that are all intuitive points of research are null and void, our interp link turns creativity by allowing both sides to predict arguments, research deficits, and clash---we access the a stronger internal link because of equitable burdens

#### TVA – Read the affirmative advocacy and offense while defending that negatives can read and weigh neg offense through defending implementation

## 3

### Framework

#### Conceding TJFs first – that was in the 1AC FW so don’t let them shift – prefer additionally –

#### a] Frameworks are essentially T debates about the word ought which proves the better model of debate is what matters. b] Turns substance – it doesn’t matter how true a philosophy is if it can’t be engaged or is impossible to learn from

#### c] Exclusionary rule – we cant engage which means all their substantive arguments should be presumed false

#### The standard is consistency with absolute sovereignty.

#### 1] Predictability – every individual engages within the social contract when going to school or using public infrastructure which means it’s the one political engagement everyone is aware of.

#### 2] Political Education – politicians have to understand the social contract in order to know what powers they have and what they have to provide citizens and debating about Hobbes helps us learn about that.

#### 3] Topic Ed – the Hobbesian approach is ideal for dealing with IP in the context of public health disaster.

Ashcroft 05 [Richard E. Ashcroft (MA, PhD Reader in Biomedical Ethics in the Department of Primary Health Care and General Practice at Imperial College London). “Access to essential medicines: a Hobbesian social contract approach”. Dev World Bioeth. 2005 May;5(2):121-41. Accessed 7/31/2021. <https://pubmed.ncbi.nlm.nih.gov/15842722/> //Xu]

The problems I have described in these concluding remarks are serious and difficult. I do not think they are decisive. None of these problems demonstrate either the falsity or incoherence of a Hobbesian approach. Rather, they show that a Hobbesian approach needs further detailed development. I think that the merits of the Hobbesian approach are plain, so far as it takes serious notice of the features of the state of war, the instrumental nature of states and their legal and civil institutions, and the overarching objective of states to preserve their citizens from misery and disaster. More obviously ‘moral’ theories (such as utilitarian theory, or natural rights theories such as Lockean theory or modern human rights theories) are less illuminating, in that they fail to construct compelling perfect obligations lying with specific agents. The Hobbesian account I have constructed here has many loose ends, but I hope I have shown in this paper how a powerful argument for a perfect duty lying on the state to protect its citizens from public health disaster can be constructed, and the foundations of legitimate sovereign enforcement of powers of compulsory license over intellectual property. Public health takes priority over private economic interest. The only question is whether private economic interest is the only, or indeed an, effective means for promoting the public health in conditions of disaster.

#### 4] Resource Disparities – philosophical frameworks ensure big squads don’t have a comparative advantage since debates become about quality of arguments rather than quantity and require a higher level of analytic thinking that small schools have.

#### 5] Resolvability – other debates create a mess of weighing and link turns, but using Hobbes is easily resolvable because it becomes a question of what the sovereign believes.

### Offense

#### 1] Sequencing – a sovereign can’t be obligated to do anything because they are the ones who choose what ethics and truth – the rez tries to coerce the sovereign to do something which challenges its authority.

#### 2] IP rights are implicit in the creation of the sovereign in expressing creativity.

Ghosh 04 [Shubha Ghosh (B.A., Amherst College; Ph.D., University of Michigan; J.D., Stanford Law School; Professor of Law, University at Buffalo, SUNY, Law School; Visiting Professor, SMU Dedman School of Law). “PATENTS AND THE REGULATORY STATE: RETHINKING THE PATENT BARGAIN METAPHOR AFTER ELDRED”. BERKELEY TECHNOLOGY LAW JOURNAL. 2004. Accessed 9/3/21. <https://lawcat.berkeley.edu/record/1119327/files/fulltext.pdf> //Xu]

As illustration of the limits of social contract theory,46 particularly the malleability of the notions of consent and promise, consider a social contract theory of intellectual property based on the thoughts of Thomas Hobbes rather than that of John Locke. No scholar has expressly developed a Hobbesian theory of patent or of copyright, but as a challenge to social contract theory, it may be useful to imagine what such a theory would look like.47 For Hobbes, humans created the leviathan-the sovereign state-to protect themselves from each other in the state of nature. 48 Without the leviathan, the state of nature was not an idyllic paradise but a condition of savagery and brutality. In the state of nature, to the extent that any creative activity occurred, the objects of creation would be cannibalized, thoughtlessly copied, adapted, distributed, and performed or used, sold, offered to sell, and made by others. Thus, intellectual property law under the leviathan would protect individuals from this state of nature by making them absolute, immutable, bountiful, and unlimited. Humans would consent to these terms if they were enforced equally for all creations, and each author and inventor would promise to all others to abide by this form of the intellectual property social contract.

## 4

#### NC theory first - 1] Abuse was self-inflicted- They started the chain of abuse and forced me down this strategy 2] Norming- We have more speeches to norm over whether it’s a good idea 3] It was introduced first so it comes lexically prior.

#### Neg abuse outweighs Aff abuse – 1] Infinite prep time before round to frontline 2] 2AR judge psychology and 1st and last speech 3] Infinite perms and uplayering in the 1AR.

#### Reasonability on 1AR shells – 1AR theory is very aff-biased because the 2AR gets to line-by-line every 2NR standard with new answers that never get responded to– reasonability checks 2AR sandbagging by preventing really abusive 1NCs while still giving the 2N a chance.

#### DTA on 1AR shells - They can blow up blippy 20 second shells in the 2AR while I have to split my time and can’t preempt 2AR spin which necessitates judge intervention and means 1AR theory is irresolvable so you shouldn’t stake the round on it.

#### RVIs on 1AR theory – 1AR being able to spend 20 seconds on a shell and still win forces the 2N to allocate at least 2:30 on the shell which means RVIs check back time skew – ows on quantifiaiblity

#### No new 1ar theory paradigm issues- A] the 1NC has already occurred with current paradigm issues in mind so new 1ar paradigms moot any theoretical offense B] introducing them in the aff allows for them to be more rigorously tested which o/w’s on time frame since we can set higher quality norms.

#### Reject 1ar Theory and voting issues

#### A] 7 - 6 time skew

#### B] No 3nr, so 2ar gets to weigh however they want

#### C] Judges are more likely to by 2a arguments as they are the

#### last speech

#### D] Too many theory flows make it impossible to test the aff

#### E] You get a 2-1 speech advantage

#### F] We only get 2 speeches of new arguments to deliberate over your shell which isn’t enough time

#### G] there’s no such thing as infinite abuse as NC only has 7 minutes

#### H] 1ar theory is used as a strategic advantage

#### Reject aff fairness concerns

#### 1] Aff can speak last – a strategic 2AR can make 1 response to each 2NR argument to automatically get rid of them

#### 2] The *2NR has to multi-point* each argument since if they only have 1 response,

#### 3] Judge psychology

#### A] Aff gets the first and last speech which the judge can remember more clearly so the judge is more likely to vote for aff offense or forget to evaluate neg offense

#### B] Most people think the aff is harder, even if it’s not, so they already give leeway on aff arguments to make affirming easier

#### Outweighs since it’s an implicit bias so the neg can’t do anything to overcome it

#### 4] The aff has *infinite prep time* to frontline their aff and find the perfect strategy, whereas the neg has to assemble one in 4 minutes

#### 5]The aff has *infinite prep time* to frontline their aff and find the perfect strategy, whereas the neg has to assemble one in 4 minutes – means they can determine the most efficient and perfect strategy and write blocks with perfect efficiency, *which solves the time skew* and makes affirming easier

## 5

#### Interpretation: All a prioris must be explicitly numbered, labeled as their own off, or have a line break between an arguments before and after it. To clarify, hidden a-prioris bad.

#### Violation: there are hidden a prioris in the UV

#### Inclusion- People who can’t flow as well, process fast blips, or have a hard time reading huge blocks of text due to disabilities get crowded out of the debate because they always lose to autowin arguments– that outweighs since inclusion is an impact filter

## Case

### Underview

#### 1] Their strategy of quick, blippy, hidden arguments excludes people with learning disabilities which not excludes them from the activity

Thompson 15 Terrence Lonam April 21, 2015 “Miscellaneous Thoughts from the Disorganized Mind of Marshall Thompson” http://nsdupdate.com/2015/04/21/miscellaneous-thoughts-from-the-disorganized-mind-of-marshall-thompson/

First, I think that evaluating who is the better debater via who dropped spikes excludes lots of specific individuals, especially those with learning disabilities. I have both moderate dyslexia and extreme dysgraphia. Despite debating for four years with a lot of success I was never able to deal with spikes. I could not ‘mind-sweep’ because my flow was not clear enough to find the arguments I needed, and I was simply too slow a reader to be able to reread through the relevant parts of a case during prep-time. I was very lucky, my junior year (which was the first year I really competed on the national circuit) spikes were remarkably uncommon. Looking back it was in many ways the low-point for spike. They started to be used some my senior year but not anything like the extent they are used today. I am entirely confident, however, in saying that if spikes had had anywhere near the same prevalence when I started doing ‘circuit’ debate as they do now, I—with the specific ways that dyslexia/dysgraphia has affected me—would never have bothered to try to debate national circuit LD (I don’t intend to imply this is the same for anyone who has dyslexia or dysgraphia, the particular ways that learning disabilities manifest is often difficult to track). Now, the mere fact that I would have been prevented from succeeding in the activity and possibly from being able to enjoyably compete is not an argument. I never would have been able to succeed at calligraphy, but I would hardly claim we should therefore not make the calligraphy club about handwriting. Instead, what I am suggesting is that the values that debate cares about and should be assessing are not questions of handwriting or notation. We expect notation instrumentally to avoid intervention, but it is not one of the ends of debate in itself. Thus, if there is a viable principle upon which we can decrease this strategic dimension of spikes but maintain non-intervention I think we should do so. I was ‘good’ at philosophy, ‘good’ at argument generation, ‘good’ at research, ‘good’ at casing, ‘great’ at framework comparison etc. It seems to me that as long as I can flow well enough to easily follow a non-tricky aff it was proper that my learning disabilities not be an obstacle to my success. (One other thing to note, while I was a ‘framework debater’ who could never have been good at spikes because of my learning disability I have never met a ‘tricky debater’ who could not have succeeded in debate without tricks simply in virtue of their intelligence and technical proficiency; that is perhaps another reason to favor my account.)

#### Vote them down – inclusion is a tangible out-of-round impact distinct from the procedural aspects of debate – it’s key to minority participation.

#### 2] Spikes that aren’t on top are a voting issue- it means I have to wait for the 1ac to finish to formulate a strategy since I don’t know what your going to read which moots 6 min of prep

#### 3] Spikes that weren’t disclosed are a voting issue- prevents us from rigorously testing your norm and incentivizes surprise tactics

#### 4] Under views are a voting issue—one small theory analytic can take out huge chunks of the 1nc which kills substantive clash

#### 5] New 2NR Responses- A] none of the spikes have a clear implication in the 1ac B] It’s key to robustly contest their norm. C] Stops them from hiding tricks in random parts of the aff

#### 6] Negating is harder so auto reject aff fairness claims- they have a 2ar judge psychology advantage and have infinite prep before round

#### 7] RVI’s on each spike- otherwise they can read the most absurd paradigm issues for 6 min and are never held accountable

#### 8] The role of the negative is to contradict the aff – weighing means that u don’t prefer one side

#### 9] No time skew- we both have 13 mins. The aff can read theory in the 1ac to check abuse

#### 10] No invincible 2nr – the 2ar has judge persuasion and the last word

#### 11] Their evidence concedes its topic specific – BASIS reads green

#### **Shah 19** Sachin “A STATISTICAL ANALYSIS OF SIDE-BIAS ON THE 2019 JANUARY-FEBRUARY LINCOLN-DOUGLAS DEBATE TOPIC” NSD, 15 February 2019. <http://nsdupdate.com/2019/a-statistical-analysis-of-side-bias-on-the-2019-january-february-lincoln-douglas-debate-topic/> SJCP//JG

To further quantify the side-bias, the proportion of negative wins when the affirmative was favored (p1) can be compared with the proportion of affirmative wins when the negative is favored (p2). Ideally the difference between the proportions would be 0; however, p1 = 34.84% while p2 = 28.77, a staggering 6.07% difference. Now the question is whether this difference is statistically significant. In order to determine the answer, a two-proportion z-test was used. The null hypothesis is p1 – p2 = 0 , because that means both sides are able to overcome the debating level skew equally. The alternative hypothesis is then p1 – p2 > 0, meaning the negative is able to overcome the skew more than the affirmative is able, demonstrating a side-bias. This two-proportion z-test rejected the null hypothesis in favor of the alternative (p-value < 0.0001). There is sufficient evidence that the negative is able to overcome the skew more often than the affirmative can. This implies there is a less than 0.01% chance that there is no side-bias because it demonstrates the higher proportion of negative wins when the affirmative is favored is significant. In short, the negative has a greater ability to win difficult rounds than the affirmative does, which indicates there exists a skew in the negative’s favor. This analysis is statistically rigorous and relevant in several aspects: (A) The p-value is less than the alpha. (B) The data is on the current January-February topic, meaning it’s relevant to rounds these months [2]. (C) The data represents a diversity of debating and judging styles across the country. (D) This analysis accounts for disparities in debating skill level. (E) Type I error was reduced by choosing a small alpha level. The combination of these points validates this analysis. As a final note, it is also interesting to look at the trend over multiple topics. In the rounds from 93 TOC bid distributing tournaments (2017 – 2019 YTD), the negative won 52.99% of ballots (p-value < 0.0001) and 54.63% of upset rounds (p-value < 0.0001). This suggests the bias might be structural, and not topic specific, as this data spans six different topics. Therefore, this analysis confirms that affirming is in fact harder again on the 2019 January-February topic [3]. So don’t lose the flip!

#### On Fairness

#### A] It’s a question of a sliding scale

#### B] Evaluating off the flow is how things are decided.

#### C] No – just because a rule benefits someone doesn’t mean its wrong

#### D] Doesn’t matter – sliding scale

#### E] Sliding scale- A point

#### On theory incoherent

#### A] That doesn’t make any sense lol where the warrant

#### B] Answered above

#### C] Answered above

#### D] Answered above

#### E] Creating rules is unique to debate so you impact turn. That

#### F] It’s a good norm because we’ve found the best interp possible

#### G] No – argumetns come before other arguments

#### H] Said who – if someone said the n word you vote them down

### Framework

#### 1] Hijack their definition of ought, BASIS reads green – their fw doesn’t account for the perfect rational will but we do with the soverign which means we turn

Durand 01 Kevin K. J. Durand, Assistant Professor of Philosophy at Henderson State University. *The Logic of Morality: Georg Henrik von Wright, Immanuel Kant, and the “Ought/Can” Inference.* Academic Forum, 2000-2001,http://www.hsu.edu/academicforum/2000-2001/2000-1AFThe%20Logic%20of%20Morality.pdf

This passage also serves to clarify Kant’s assertion that the moral law depends on the will. Clearly, it is not a will wholly distinct from experience; rather it is prior to experience and makes experience of the moral law possible. The Kantian ideal here is the will of a perfectly rational will. According to Schneewind, **Kant understands ought to express** the following relationship: “**whatever a perfectly rational will necessarily would do is what we imperfectly rational agents ought to do.”** [18] Indeed, this is the very standard that K ant establishes as the benchmark in the Groundwork : “A will whose maxims necessarily accord with the laws of autonomy is a holy , or absolutely good, will. The dependence of a will not absolutely good on the principle of autonomy (that is, moral necessitat ion) is obligation . ... The objective necessity to act from obligation is called duty .” [19] Thus, Kant is committed to the view that if an act a ought to be done it is bec ause the perfectly rational will necessarily would do a . Indeed, as Schneewind points out, “true moral necessity ... would make an act necessary regardless of what the agent wants.” [ 20] So, for Kant then, ought is connected directly to the alethic notion of necessity and that relationship can be formalized in the following way: (1) O( a ) ® A( a ) where O represents the obligation operator, and A represents the perfectly ra tional (or ideal) will. 4. **The definition of the ought or obligation operator is still incomplete without a discussion of the Categorical Imperative.** Since we do not possess the perfectly rational will, the notion is that **one should “act only according to that maxim through which you can at the same time will that it should become universal law.”** [21] This form of the Categorical Imperative is the one Kant takes to be primitive. Kant takes this to be a formal principle governing willing because in this formulation the Imperative is devoid of content, with one notable exception. The reference to the universal law seems to capture the notion of connection to necessity discussed earli er. **Contradictions at this foundational level then will guide the agent away from the action that forms the content of her maxim because that content contradicts the moral law**. Kant allows for no contradiction of duty to be considered right actions. He writes in discussing the concept of Duty, “I pass over here all actions which are obviously known to be contrary to duty, even though they may be useful for this or that purpose. For with them there is no question at all as to whether they might have happened from duty, since they go so far as to contradict it.” [22] **With this connection to necessity in mind, it follows for Kant that for someone to will that a maxim become universal law is to be able to will that the maxim be necessary for the perfectly rational will.**

#### 2] On resource disparities – A] We solve – no reason we need cards on the Hobbes NC. B] People have giant backfiles for Kant too – for example Strake which means you don’t solve. C] Alt causes – people might not have time to cut kant offense. D] Exclusionary because novices cant understand it. E] Reject Kant because Kant was homophobic and racist

#### 3] On strategic thinking – A] Hobbes turns – we deliberate about the inherent nature of humans and what the soverign has to accomplish which is better. B] Coaches can write out analytics and cut cards which prevents reasoning

#### 4] On phil ed. A] We solve – we talk about what actions the soverign cares about. B] Just makes no sense – there are a bunch of offspin authors for everyone. C] We’re winning specificity because this topic necessitates a discussion of the soverign

### Offense

#### 1] IPRs are key to recognize the original creator’s role in ownership.

Zeidman and Gupta 16 [Bob Zeidman (one of the leading experts on intellectual property, particularly as it relates to software. He is the president and founder of Zeidman Consulting, a premier contract research and development firm in Silicon Valley that focuses on engineering consulting to law firms about intellectual property disputes) & Eashan Gupta (Investment Banking Analyst at William Blair). “Why Libertarians Should Support a Strong Patent System”. IP Watchdog. January 5, 2016. Accessed 9/3/21. <https://www.ipwatchdog.com/2016/01/05/why-libertarians-should-support-a-strong-patent-system/id=64438/> //Xu]

The issue intellectual property has divided libertarians as to whether there can really be ownership in the result of result of human creativity, and continues to do so today. Some libertarians believe that inventors deserve a claim to their hard work, while others argue that patents are government-enforced monopolies and that the current United States patent system needs to be reformed. What the patent and copyright laws acknowledge is the paramount role of mental effort in the production of material values. These laws protect the mind’s contribution in its purest form: the origination of an idea. The subject of patents and copyrights is intellectual property. Ayn Rand strongly supported patents. In her book “Capitalism: The Unknown Ideal,” she states: An idea as such cannot be protected until it has been given a material form. An invention has to be embodied in a physical model before it can be patented; a story has to be written or printed. But what the patent or copyright protects is not the physical object as such, but the idea which it embodies. By forbidding an unauthorized reproduction of the object, the law declares, in effect, that the physical labor of copying is not the source of the object’s value, that that value is created by the originator of the idea and may not be used without his consent; thus the law establishes the property right of a mind to that which it has brought into existence.

#### 2] IP protections are key free market competition and trade of goods.

Zeidman and Gupta 16 [Bob Zeidman (one of the leading experts on intellectual property, particularly as it relates to software. He is the president and founder of Zeidman Consulting, a premier contract research and development firm in Silicon Valley that focuses on engineering consulting to law firms about intellectual property disputes) & Eashan Gupta (Investment Banking Analyst at William Blair). “Why Libertarians Should Support a Strong Patent System”. IP Watchdog. January 5, 2016. Accessed 9/3/21. <https://www.ipwatchdog.com/2016/01/05/why-libertarians-should-support-a-strong-patent-system/id=64438/> //Xu]

Libertarians believe in property rights and government protection of those rights as one of the few necessary requirements of government. Ownership of property and free markets leads to competitive production and trade of goods, which in turn leads to prosperity for all of society. Intellectual property is property like other forms of property, and so government must protect IP as it protects other forms of property because it too leads to competition and trade and prosperity. Libertarians should encourage a strong patent system and object to any “reforms” that limit intellectual property ownership or introduce more government regulation than is required.

#### 3] The right of necessity proves that unequal access to medications because IP is non-universalizable – 2 warrants.

Silk 5/3 [Matthew S.W. Silk (PhD in philosophy from the University of Waterloo. His research specializes in philosophy of science and the nature of values. He has also published on the history of pragmatism and the work of John Dewey). “COVID-19 Vaccines and Drug Patent Laws”. The Prindle Post. May 3, 2021. Accessed 8/24/21. <https://www.prindlepost.org/2021/05/covid-19-vaccines-and-drug-patent-laws/> //Xu]

Most agree that it is permissible for a starving man to ‘steal’ a loaf of bread in order to save his own life. However, there are two very different explanations that one can give of that permissibility. On the one hand, you might think that while taking the bread is indeed an act of theft, that act of theft can be justified since it is necessary for the man to save his own life. On this view, the starving man violates the property rights of the baker, but such right violations are justified in order to save a life. On the other hand, you might think that the man is justified in taking the bread because, to use Aquinas’s language, it is not even “properly speaking theft.” According to this view, it is not that you are justified in violating someone’s property rights. Rather, the other person does not have a property right over the bread in the first place. If the baker has a surplus and there are others in true need, then the baker does not have a property right against them. Philosophers who take this second view, including Thomas Aquinas, Hugo Grotius, Samuel Puffendorf, and Alejandra Mancilla, believe in a right of necessity, a right to that which is necessary to survive. There are many different arguments that one can give for a right of necessity. One argument, inspired by Puffendorf, is that you cannot justify to everyone a system of property that allows some to starve. What justification could you give to the starving man for why they should consent to, or accept, a system of property in which they die? Being dead, they will not receive any benefits of the system. Another argument, this one inspired by Aquinas, is that we create systems of private property so that everyone can more efficiently acquire those goods necessary for their well-being. Nature originally belongs equally to everyone, and we divide it up into private property because it enables everyone to secure their well-being more easily. However, since private property is created to enable everyone to more easily secure that natural right, private property cannot contradict the natural right of people to that which they need to survive. The Right of Necessity and Intellectual Property If there is a right of necessity, what implication would that have for intellectual property rights over life-saving medication? Life-saving medication, almost by definition, is often necessary for survival. Thus, if the right to necessity justifies stealing bread from those who have extra, so too it would seem to justify stealing a vial of unaffordable medication. Similarly, if I can steal an unaffordable vial of life-saving medication to save a life, then it would be strange to think I cannot violate an international patent to create that life-saving vial. It seems, then, that if we accept the old doctrine that there exists a right of necessity, it would have profound implications for the justice of intellectual property law. Nations, according to such reasoning, possess a natural right to break patents if it is necessary to produce life-saving medication for those who could otherwise not afford them. (The affordability qualification is an important one. Just as it would be theft for me, who can afford to buy food, to steal a loaf of bread. So too it would be unjust to violate international patents for patients who can otherwise afford to buy the medication.) But even with the affordability qualification in place, there is currently a huge problem of access to life-saving medications by the global poor. As such, the right of necessity suggests a standing right to break many international medical patents.

#### 4] Put away property turns – they don’t apply

#### A] intellectual objects are constituted by universal accessibility – traditional conceptions don’t apply.

Kanning 12 [Michael A. Kanning (Graduate School at University of South Florida). “A Philosophical Analysis of Intellectual Property: In Defense of Instrumentalism”. A thesis submitted in partial fulfillment of the requirements for the degree of Master of Arts Department of Philosophy College of Arts and Sciences University of South Florida. January 2012. Accessed 8/22/21. <https://digitalcommons.usf.edu/cgi/viewcontent.cgi?referer=&httpsredir=1&article=5290&context=etd> //Xu]

By distinguishing between traditional property and intellectual property, we can see that the kinds of things covered by intellectual property are capable of universal accessibility, meaning that use by one person does not preclude the enjoyment of other possessors of tokens of the same type. For me to scan and copy my token copy of Lolita and give it to someone else does not reduce my ability to enjoy my token copy of Lolita. In fact, sharing of the work would probably help me enjoy the work even more as I could engage in dialogue and interpretation of the text in unison with others. My ownership of my bicycle, on the other hand, is different. If I give my bicycle to you to ride, I can no longer enjoy it in the same way. Your possession and use of the bicycle is exclusive in that your use excludes usage by others. As Trerise (123) notes, this distinction between token and type is not philosophically unproblematic. One could challenge the claim that intellectual property involves ownership of types. Nonetheless, in this simple form it helps make clear a fundamental distinction between traditional conceptions of property over land and material objects and the kind of ownership of abstract objects that occurs in intellectual property.

#### B] IP is owned by the public – it’s the people’s medicine.

Silk 5/3 [Matthew S.W. Silk (PhD in philosophy from the University of Waterloo. His research specializes in philosophy of science and the nature of values. He has also published on the history of pragmatism and the work of John Dewey). “COVID-19 Vaccines and Drug Patent Laws”. The Prindle Post. May 3, 2021. Accessed 8/24/21. <https://www.prindlepost.org/2021/05/covid-19-vaccines-and-drug-patent-laws/> //Xu]

Supporters of a waiver also point out the massive amount of public funding that pharmaceutical companies have received to develop coronavirus vaccines and that much of the groundwork for those vaccines were discoveries that came from federally-funded research. Thus, they argue that the vaccine should be a “people’s vaccine” that is universally available to all at no cost. They also suggest that such a waiver would send a message of commitment to public health as opposed to prioritizing intellectual property rights.