### 1AC – Framing

#### I value justice, defined as societal fairness.

#### The problems faced by political institutions must be resolved politically; an appropriate framework must provide a basis for justifying certain social structures within a pluralistic society

Rawls 85: John Rawls Harvard Philosophy Professor Justice as Fairness: Political not Metaphysical, Philosophy and Public Affairs, Vol. 14, No. 3. 1985.

It should be observed that, on this view, justification is not regarded simply as valid argument from listed premises, even should these premises be true. Rather, justification is addressed to others who disagree with us, and therefore it must always proceed from some consensus, that is, from premises that we and others publicly recognize as true; or better, publicly recognize as acceptable to us for the purpose of establishing a working agreement on the fundamental questions of political justice. It goes without saying that this agreement must be informed and uncoerced, and reached by citizens in ways consistent with their being viewed as free and equal persons." Thus, the aim of justice as fairness as a political conception is practical, and not metaphysical or epistemological. That is, it presents itself not as a conception of justice that is true, but one that can serve as a basis of informed and willing political agreement between citizens viewed as free and equal persons. This agreement when securely founded in public political and social attitudes sustains the goods of all persons and associations within a just democratic regime. To secure this agreement we try, so far as we can, to avoid disputed philosophical, as well as disputed moral and religious, questions. We do this not because these questions are unimportant or regarded with indifference,'= but because we think them too important and recognize that there is no way to resolve them politically. The only alternative to a principle of toleration is the autocratic use of state power. Thus, justice as fairness deliberately stays on the surface, philosophically speaking. Given the profound differences in belief and conceptions of the good at least since the Reformation, we must recognize that, just as on questions of religious and moral doctrine, public agreement on the basic questions of philosophy cannot be obtained without the state's infringement of basic liberties. Philosophy as the search for truth about an independent metaphysical and moral order cannot, I believe, provide a workable and shared basis for a political conception of justice in a democratic society. We try, then, to leave aside philosophical controversies whenever possible, and look for ways to avoid philosophy's longstanding problems.

#### Finding a fair social structure is most important since the organization of society has a profound impact on an individual’s life path; the primary concern of justice must be to structure institutions such that arbitrary matters do not shape the entirety of someone’s life

Rawls 85: John Rawls Harvard Philosophy Professor Justice as Fairness: Political not Metaphysical, Philosophy and Public Affairs, Vol. 14, No. 3. 1985. 176-77.

Many different kinds of things are said to be just [:]and unjust: not only laws, institutions, and social systems, but also particular actions of many kinds, including decisions, judgments, and imputations. We also call the attitudes and dispositions of persons, and persons themselves, just and unjust. Our topic, however, is that of social justice. For us the primary subject of justice is the basic structure of society, or more exactly, the way in which the major social institutions distribute fundamental rights and duties and determine the division of advantages from social cooperation. By major institutions I understand the political constitution and the principal economic and social arrangements. Thus the legal protection of freedom of thought and liberty of conscience, competitive markets, private property in the means of production, and the monogamous family are examples of major social institutions. Taken together as one scheme, the major institutions define men’s rights and duties and influence their life prospects, what they can expect to be and how well they can hope to do. The basic structure is the primary subject of justice because its effects are so profound and present from the start. The intuitive notion here is that this structure contains various social positions and that men [people] born into different positions [who] have different expectations of life determined, in part, by the political system as well as by economic and social circumstances. In this way the institutions of society favor certain starting places over others. These are especially deep inequalities. Not only are they pervasive, but they affect men’s initial chances in life; yet they cannot possibly be justified by an appeal to the notions of merit or desert. It is these inequalities, presumably inevitable in the basic structure of any society, to which the principles of social justice must in the first instance apply. These principles, then, regulate the choice of a political constitution and the main elements of the economic and social system. The justice of a social scheme depends essentially on how fundamental rights and duties are assigned and on the economic opportunities and social conditions in the various sectors of society.

#### This necessitates that within an original position, we choose principles behind a veil of ignorance so we may achieve justice as fairness.

**Rawls 71** [Rawls, John. John Rawls (b. 1921, d. 2002) was an American political philosopher in the liberal tradition. His theory of *justice as fairness* describes a society of free citizens holding equal basic rights and cooperating within an egalitarian economic system. *A Theory of Justice*. 1971, giuseppecapograssi.files.wordpress.com/2014/08/rawls99.pdf]

In justice as fairness the original position of equality corresponds to the state of nature in the traditional theory of the social contract. This original position is not, of course, thought of as an actual historical state of affairs, much less as a primitive condition of culture. It is understood as a purely hypothetical situation characterized so as to lead to a certain conception of justice.5 Among the essential features of this situation is that no one knows his place in society, his class position or social status, nor does anyone know his fortune in the distribution of natural assets and abilities, his intelligence, strength, and the like. I shall even assume that the parties do not know their conceptions of the good or their special psychological propensities. The principles of justice are chosen behind a veil of ignorance. This ensures that no one is advantaged or disadvantaged in the choice of principles by the outcome of natural chance or the contingency of social circumstances. Since all are similarly situated and no one is able to design principles to favor his particular condition, the principles of justice are the result of a fair agreement or bargain. For given the circumstances of the original position, the symmetry of everyone’s relations to each other, this initial situation is fair between individuals as moral persons, that is, as rational beings with their own ends and capable, I shall assume, of a sense of justice. The original position is, one might say, the appropriate initial status quo, and thus the fundamental agreements reached in it are fair. This explains the propriety of the name “justice as fairness”: it conveys the idea that the principles of justice are agreed to in an initial situation that is fair. The name does not mean that the concepts of justice and fairness are the same, any more than the phrase “poetry as metaphor” means that the concepts of poetry and metaphor are the same.

#### Thus, the standard is consistency with principles chosen behind the veil of ignorance. Prefer –

#### 1] Motivation - No one would follow ethics if they were just arbitrarily treated differently. E.g., if they did everything perfectly but were condemned anyways because of their social status they would have no reason to be moral.

#### 2] Performativity - The judge must use the veil of ignorance since their goal is to be as non-arbitrary as possible. If they just started voting on personal biases, there would be no point to debate because they’d just vote for who they like more.

#### 3] Inclusion – the framework forces agents to think about their subject position and privilege they have in the world compared to other groups. Inclusion o/w – it’s the best real-world skill that helps people materially.

#### 4] Consequences fail – A. Every action has infinite stemming consequences because every consequence can cause another consequence and we also can’t predict consequences because they could lead to a butterfly effect. B. Induction is circular because it relies on the assumption that nature will hold uniform and we could only reach that conclusion through inductive reasoning based on observation of past events – takes out all responses as well because instances of consequentialism being calculable or induction being reasonable are reliant on induction which is deductively flawed. C. Aggregation fails – suffering is not additive – you can’t compare between 1 migraine and 10 headaches.

#### 5] Ideal theory first – A. normative justification is required because unjustified assumptions cause bad things, like oppression, B. collapses – saying an advocacy is better means saying it’s closer to an ideal, C. material circumstances affected by different accounts of violence, D. arguing non-ideal theory is better requires an ideal theory of what theories should be.

#### 6] Negative args presuppose the aff being true since they begin with a descriptive premise about the aff such as the aff does, and then justify why x is bad. But if the aff does not have truth value, that entails the descriptive premise would also not have truth value which is contradictory.

#### 7] Infinite worlds means the aff is logical in one.

**Vaidman 2** [Vaidman, Lev, 3-24-2002, "Many-Worlds Interpretation of Quantum Mechanics (Stanford Encyclopedia of Philosophy)," No Publication, <https://plato.stanford.edu/entries/qm-manyworlds/>]

-MWI: Multiple Worlds Interpretation

The reason for adopting the MWI is that it avoids the collapse of the quantum wave. (Other non-collapse theories are not better than MWI for various reasons, e.g., nonlocality of Bohmian mechanics; and the disadvantage of all of them is that they have some additional structure.) The collapse postulate is a physical law that differs from all known physics in two aspects: it is genuinely random and it involves some kind of action at a distance. According to the collapse postulate the outcome of a quantum experiment is not determined by the initial conditions of the Universe prior to the experiment: only the probabilities are governed by the initial state. Moreover, Bell 1964 has shown that there cannot be a compatible local-variables theory that will make deterministic predictions. There is no experimental evidence in favor of collapse and against the MWI.

#### 8] Negating affirms because it assumes that the 1AC is a statement worthy of contestation which means our arguments are legitimate.

#### 10] The rules of logic claim that the only time a statement is invalid is if the antecedent is true, but the consequent is false.

SEP [Stanford Encyclopedia of Philosophy.] “An Introduction to Philosophy.” Stanford University. <https://web.stanford.edu/~bobonich/dictionary/dictionary.html> TG Massa

Conditional statement: an “if p, then q” compound statement (ex. If I throw this ball into the air, it will come down); p is called the antecedent, and q is the consequent. A conditional asserts that if its antecedent is true, its consequent is also true; any conditional with a true antecedent and a false consequent must be false. For any other combination of true and false antecedents and consequents, the conditional statement is true.

#### 9] Liar’s Paradox – the rez is always true.

**Camus** [Albert Camus (existentialist). “The Myth of Sisyphus.” Penguin Books. 1975(originally published 1942). Accessed 12/11/19. Pg 22. Copy on hand. Houston Memorial DX]

The mind’s first step is to distinguish what is true from what is false. However, as soon as thought reflects on itself, what it first discovers is a contradiction. Useless to strive to be convincing in this case. Over the centuries no one has furnished a clearer and more elegant demonstration of the business than Aristotle: “The often ridiculed consequence of these opinions is that they destroy themselves. For by asserting that all is true we assert the truth of the contrary assertion and consequently the falsity of our own thesis (for the contrary assertion does not admit that it can be true). And if one says that all is false, that assertion is itself false. If we declare that solely the assertion opposed to ours is false or else that solely ours is not false, we are nevertheless forced to admit an infinite number of true or false judgments. For the one who expresses a true assertion proclaims simultaneously that it is true, and so on ad infinitum.”

#### 10] Decision Making Paradox – to judge we need a decision-making procedure to determine it is a good decision. But to choose a decision-making procedure requires another meta-level decision making procedure leading to infinite regress so just vote aff to break the paradox.

#### 11] A trivial entity exists which proves the res

**Kabay 08** [Paul Douglas Kabay, (PhD thesis, School of Philosophy, Anthropology, and Social Inquiry) "A Defense Of Trivialism" The University Of Melbourne, 2008, https://minerva-access.unimelb.edu.au/handle/11343/35203, DOA:10-25-2017]

Let us define a trivial entity as an entity that instantiates every predicate, i.e. an entity of which everything is true. One of the things true of a trivial entity is that it exists in a reality in which trivialism is true. Hence, if a trivial entity exists, then trivialism is true. But is it true that there exists a trivial entity? Here is an argument for thinking that it is true: 1) Every being (or entity or object) is either trivial or nontrivial 2) It is not the case that every being is nontrivial 3) Hence, there exists a trivial being

### 1AC – Offense

#### I’ll defend the resolution as a general principle.

#### [1] Intellectual property rights are secondary to rights to medicine to not impede societal redistribution.

**Gewertz and Amado 04** [Gewertz, Nevin M., and Rivka Amado. “Intellectual Property and the Pharmaceutical Industry: A Moral Crossroads between Health and Property.” Journal of Business Ethics, vol. 55, no. 3, Springer, 2004, pp. 295–308, <http://www.jstor.org/stable/25123392>.] //DD PT

Even though Rawls clearly anticipates that intellectual property is a right, it is secondary to an individual's basic liberties and the arrangement of social and economic inequalities to the benefit of the least advantaged. Intellectual property and the exclusive monopoly rights it involves are not basic liberties. Rawls states, "liberties not on the list, for example, the right to own certain kinds of property (e.g., means of production) and freedom of contract as understood by the doctrine of laissez-faire are not basic and so they are not protected by the priority of the first principle" (Rawls, 1971, p. 54). Despite the fact that Rawls explicitly does not discuss intellectual property, he contrasts property value within the "means of production" to the basic liberty of property rights. In both function and by definition, a patent is designed to protect the "means of production" of an object. The patent that GlaxoSmithKlein received provides ownership over the process by which AZT is constructed, as well as the byproduct of the process, the drug itself. Intellectual property rights are assumed as secondary to basic liberties, but accounted for in Rawls's theory under the "right to own certain kinds of property (e.g., means of production)" (Rawls, 1971, p. 54). Even if one concedes intellectual property as a basic liberty, Rawls understands the exclusive eco nomic rights granted by patents only as secondary to basic liberties. The accumulation of wealth incurred from royalties received from GlaxoSmithKlein's patent on AZT is possible only through the contractual exchange of money between buyers and sellers and the subsequent "laissez-faire doctrine", which defines the marketplace. Neither intellectual property itself nor the economic advantages it entails are basic liberties crucial to a just distribution within society. Moreover, because intellectual property is not a basic liberty, it is not protected from redistribution by the first principle of justice. Rawls states that non-basic liberties, like intellectual property, "are not protected by the priority of the first principle" (Rawls, 1971, p. 54). Because Rawls's two principles of justice are serial in order, any liberty understood as basic and protected by the first principle cannot be subject to potential redistribution in accordance with the second principle. The second principle of justice states that social and economic inequalities are to be arranged so that they are the greatest benefit to the least advantaged. Rawls justifies a redistribution of goods by the state, "a just institution," in order to create from an unjust social distribution, a more just one. When discussing the institutions for implementing his notion of procedural justice, he divides the government into four branches, one of which is known as the distribution branch. Rawls explains, "There is a distribution branch. Its task is to preserve an approximate justice in distributive shares by means of taxation and the necessary adjustments in the rights of property" (Rawls, 1971, p. 245). These "rights of property" exclude those rights granted by the first principle of justice as basic liberties. Because neither intellectual property nor the economic accumulation of wealth incurred from patent royalties is protected by the first principle of justice, both are subject to redistribution according to the difference principle.

#### [2] Rawlsian justice requires that there be a reduction in IP law to avoid severe injustice.

**Yanisky 17** [Shlomit Yanisky Ravid, The Hidden Though Flourishing Justification of Intellectual Property Laws: Distributive Justice, National Versus International Approaches, 21 Lewis & Clark L. Rev. 1 (2017)] //DD PT

It is my premise that Professor Rawls’s theory of justice could easily be used as the moral foundation of distributive justice principles applied to intellectual property rights.62 The theory’s principles should ensure equality and fairness among all relevant parties, if the rules chosen reflect the values of mutual equality and are not designed only (or primarily) to serve the interests of the stronger parties as against the other parties. A rule can be considered just and fair if it is chosen by the parties as such, at a time when the parties were unaware of their status or the expected impact of the rule on them. The theory assumes, as detailed above, that legal norms should be set behind the veil of ignorance, where those who set the rules do not know their status in the realm within which the rule will apply to them. Such virtual negotiations to determine the rules would preserve equality, unlike in the real world, where power and influence override equality. The theory is quite well suited to this discussion as it deals with the inherent complexity of labor laws and intellectual property laws, particularly with regard to the inequality between creators or inventors and strong enterprises. To be truly just, intellectual property rules should be determined in relation to the distribution of goods. Goods can be divided among humans, and are something humans strive to create, but the term “goods” in this context is used in a broader sense. It includes, among other things, capital, money, property, benefits, governmental power, influence, rights, and jobs. Moreover, this term also includes fundamental freedoms, including freedom of movement, freedom of occupation, freedom of trade, opportunities for personal development, etc.63 The Rawlsian principles are consistent, in my opinion, with the assumption that individuals in society are interested in ensuring rules of distribution that are based on fair and appropriate criteria that protect the public from being adversely affected by powerful parties. To adhere to such criteria, however, the distribution principles promulgated by the Anglo-American intellectual property legal system must be exchanged for principles ensuring that even the most deprived party will benefit more than under any other system.64 Rawls’s theory is suitable as a basis for rules governing the distribution of rights in intellectual property law, since (i) it actually implements the principles of equality that are lacking in the Anglo-American intellectual property regime, and (ii) could prevent injustice between groups with conflicting interests regarding the distribution of intellectual property privileges and compensation. This is very important, since, ordinarily, one party has more power and influence than other parties, as will be discussed in the last Part of this Article

#### [3] Primary goods are given priority in any political system – intellectual property rights aren’t primary goods.

**Merges 11** [MERGES, ROBERT P. Justifying Intellectual Property. Harvard University Press, 2011, <http://www.jstor.org/stable/j.ctt24hgdd>.] //DD PT

Of the three major foundational thinkers whose ideas I explore in Part I of this book, the easiest to apply to the problem of this chapter is Rawls. Recall that in Chapter 4 I summarized Rawls’s view that property is one among a number of secondary rights that occupy a lower level of priority in his philosophical thinking. It is not, in the Rawlsian lexicon, a “primary good.” But food, shelter, and access to basic health care are such goods. For Rawls, then, there would be little doubt that property rights must give way in the face of a claim that they stand in the way of someone’s very survival. The entire point of the Rawlsian hierarchy is to render straightforward these sorts of issues. Political systems are supposed to be designed (would be designed, if the veil of ignorance dropped and the concomitant deliberative procedures were implemented) such that primary goods are given priority. The pharmaceutical patent problem is precisely the sort of issue Rawls seems to have had in mind when he constructed his system as he did.

#### [4] Intellectual property protections are incompatible with distributive justice.

**Murphy 12** [Murphy, D. J. (2012). Are intellectual property rights compatible with Rawlsian principles of justice? Ethics and Information Technology, 14(2), 109–121. doi:10.1007/s10676-012-9288-8] //DD PT

Still some might argue that when a product comes to market every member of society is a potential consumer of it, that (A) and (B) are in fact congruent, and that no distinction between the two should be made. This argument may have some theoretical merit, however, the case mentioned above represents a clear practical example where this is not the case. Persons unlucky enough to be born in rural regions of Africa clearly fall outside of (B) without any practical means of elevating themselves to that level of privilege, and without any reasonable expectation that that circumstance will change regardless of the labor they exert in the effort to do so. This sort of misfortune is one of the factors that Rawls sought to mitigate with his principles of justice.17 Any system that ensures that those who lose the natural lottery are predestined to suffer, is incompatible with Rawls’s principles of justice and ought to be rejected under the veil of ignorance. The Venn diagram also clearly defines who is ‘‘the least advantaged’’ in the context of the patent discussion— namely, those that are excluded from (B). In effect, the patent mechanism results in a private18 autocracy given the patent holders capacity to define (B), the potential consumers of the given product, and thereby dictate that none outside of (B) can benefit from the invention. In the case of antiretroviral patents, the patent mechanism has resulted in a private autocracy over the mitigation of the suffering caused by AIDS. This sort of private autocracy that is manifest in the patent mechanism, and the potential for such private autocracies constitute an arrangement that clearly does not benefit the least advantaged and is absolutely incompatible with Rawls’s principles of justice.

### 1AC – Theory

#### 1] 1AR theory – a) AFF gets it because otherwise the neg can engage in infinite abuse, making debate impossible, b) drop the debater – the 1AR is too short for theory and substance so ballot implications are key to check abuse, c) no RVIs – they can stick me with 6min of answers to a short arg and make the 2AR impossible, d) competing interps – 1AR interps aren’t bidirectional and the neg should have to defend their norm since they have more time. Fairness because debate’s a game that needs rules to evaluate it and education since it gives us portable skills for life like research and thinking

#### 2] Interp – the negative may not contest the offense under the 1AC framework

#### A] Strat Skew – if the topic doesn’t have good offense for phil then you could ignore framework and spend 7 mins turning the contention

#### B] Phil Ed – allows in-depth framework debates rather than technical debates about whether Kant “logically” affirms

#### C] Aff Flex – 1AR is too short to answer framing and contention indicts which means the 2NR would collapse to whichever the 1AR under covered

#### 3] Allow new 2AR responses to 1NC arguments but not new 2NR responses – the NC has 7 minutes of rebuttal time while I only have 4 minutes, the 2AR makes it 7-7

#### 4] The neg may not – A. Contest 1AR theory because I lose 2AR time because I have to put defense on it, B. Contest 1AC theory because I have to answer it in the 1AR which creates a time skew

#### 5] RVIs on DAs – prevents the 1NC from outspreading the 1AR by spamming 10 short DAs

#### 6] Reject 1NC shells – you have 13 minutes in the NC and 2NR to beat back 7 minutes of the 1AR/2AR

#### 7] No overview responses to 1AC arguments – otherwise they would up layer all aff args for 7 minutes and the 1AR has to sift through it all

#### 8] RVIs on 1NC arguments – forces them to read good arguments that are more educational

#### 9] Consequentialism is a voting issue –

#### A] It justifies things like slavery because you would say it’s a net good

#### B] Can’t categorically say something is bad – can’t know until the action is bad until it happens

#### C] It means you’ll read 100 CPs and a short DA which kills the 1AR

#### 10] New 1AR arguments – they’re necessary to overcome 1NC’s that try to outspread the aff.

#### 11] No topic links – kills clash because I have to answer terrible DAs since they’re not good on this topic.

#### 12] No K links – infinite number of assumptions means I could never predict Ks

### 1AC – TT

#### The role of the ballot is to determine the truth or falsity of the resolution. Prefer –

#### 1] Text – five dictionaries define negate as to deny the truth of and affirms to prove true which means the only obligation of the judge is to vote on the resolution’s truth/falsity. Outweighs on commonality – it is abundantly clear that our roles are verified.

#### 2] Any other ROB enforces an external norm on debate, but only truth testing is intrinsic to the process of debate, i.e., proving statements true or false through argumentation. Constitutivism outweighs because you don’t have the jurisdiction to not test the truth of the resolution – if someone says you should break the rules of the game to have more fun ten you should ignore them as a competition only makes sense when it has rules.

#### 3] All other ROBs collapse – any property assumes the truth of the property, i.e., if I say, “the sky is blue” it is the same as me saying “it is true that the sky is blue”, which means they are also a question of truth claim’s because it’s intrinsic. It also means that their ROB warrants aren’t mutually exclusive with mine.

#### 4] Anything else moots 6 minutes of the 1AC and strengthens their pre-round prep since I need to be able to compensate by choosing my own offense.

#### 5] Isomorphism – ROBs that aren’t phrased as binaries maximize leeway for interpretation as to who is winning offense. Scalar framing mechanisms necessitate that the judge has to intervene to see who is closest at solving the problem. Truth Testing solves since it’s solely a question of if something is true or false, there isn’t a close estimate

#### Presumption affirms –

#### 1] NC is reactive, so they strategically develop or conceded args – o/w on reversibility since losing the AC to an NC hijack or uplayer puts the aff at a 6min disad

#### 2] Empirics – most people flip neg in elims which shows people know negating is easier

#### 3] 2Ns can strategically collapse to the most undercovered layer and explain things in depth so if the debate is close it means the 2AR did the better debating

#### 4] You presume statements true unless proven false – If I tell you my name is Tej you believe me unless you have evidence to the contrary

#### 5] Presuming statements are false is impossible – we can’t operate in the world if we can’t trust anything we hear

#### Permissibility affirms –

#### 1] Decision Theory – it’s epistemically safer to affirm a permissible action since that would merely be supererogatory, but if you make a mistake in your thinking and don’t do an obligatory action then you’ve done a moral wrong

#### 2] Reciprocity – they have an exclusive layer of the debate in form of topicality, so we should have permissibility

#### 3] Text – ought is “used to express appropriateness” according to dictionary.com[[1]](#footnote-1) which means that permissibility logically affirms

#### 4] Permissibility means there’s no harm to doing the aff so you might as well do it for fun

#### 5] Deters blippy 1NC tricks that trigger permissibility which take out the entire aff in 2 seconds

1. <https://www.dictionary.com/browse/ought#:~:text=auxiliary%20verb,You%20ought%20to%20be%20ashamed.> [↑](#footnote-ref-1)