# Yale r3

## 1

#### Interpretation – The aff must clarify an explicit advocacy text in the text of the AC

#### Violation – They don’t specify

#### Standards –

#### [1] Stable Advocacy – a) I have no idea what you defend which means I can’t formulate a 1nc until after the 1ac is read which decks disclosure and prep and means cx doesn’t check b) Anything else allows cherry-picking lit that supports your offense and then shifting out of indites by claiming you don’t defend them which makes the aff a moving target and skews neg strategy.

#### [2] Resolvability – All arguments link to an advocacy text as otherwise there’s no uniqueness or links that can be used to develop comparisons between the aff and the neg. Absent an explicit text its impossible to weigh which crushes resolvability and that’s a voter since the judge needs to be able to make a coherent decision for anything else to matter.

Voters

#### Fairness – all arugments presuppose fair evaluation

#### DTD –

#### a) Deters future abuse

b) this indicts their whole advocacy

#### CI – a) It fosters the best norms through encouraging the fairest rule b) Reasonability collapses by debating the brightline

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#### No RVI – a) Illogical – you shouldn’t win for proving that you’re fair or edication because it’s a prima facie burden – crossapply logic outweighs from shell b) It incentivizes you to bait theory and win off a scripted CI c) people will be scared to read theory against good theory debaters and will never be able to check abuse

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## 2

#### Permissibility and presumption negate:

#### [1] Resolution indicates the affirmative has to prove a proactive obligation, and permissibility would deny the existence of an obligation

#### [2] Logic – Propositions require positive justification before being accepted, otherwise one would be forced to accept the validity of logically contradictory propositions regarding subjects one knows nothing about, i.e if one knew nothing about P one would have to presume that both the “P” and “~P” are true.

#### [3] Statements are more often false than true because any part can be false. This means you negate if there is no offense because the resolution is probably false.

#### I negate: the WTO ought not reduce intellectual property protections for medicines.

#### Moral internalism is true:

#### [1] Epistemology – There is no universal character of moral judgements that is epistemically accessible since every argument for its existence presumes the correct normative starting point.

**Markovits 14**. [Markovits, Julia. Moral reason. https://philpapers.org/rec/ROCJMM Oxford University Press, 2014.//Scopa] BHHS AK

Relatedly, internalism about reasons seems less presumptive than externalism. We should not assume that some of us have special epistemic access to what matters, especially in the absence of any criterion for making such a judgment. It’s better to start from the assumption, as internalism does, that everyone’s ends are equally worthy of pursuit – and correct this assumption only by appealing to standards that are as uncontroversial as possible. According to externalism about reasons, what matters normatively – that is, what we have reason to do or pursue or protect or respect or promote – does not depend in any fundamental way on what in fact matters to us – that is, what we do do and pursue and protect and respect and promote. Some of us happen to be motivated by what actually matters, and some of us are “wrongly” motivated. But externalists can offer no explanation for this supposed difference in how well we respond to reasons – no explanation of why some of us have the right motivations and some of us the wrong ones – that doesn’t itself appeal to the views about what matters that they’re trying to justify. (They can explain why some people have the right motivations by saying, e.g., that they’re good people, but that assumes the truth of the normative views that are at issue.22) A comparison to the epistemic case helps bring out what is unsatisfactory in the externalist position. We sometimes attribute greater epistemic powers to some people than to others despite not being able to explain why they’re more likely to be right in their beliefs about a certain topic. Chicken-sexing is a popular example of this among philosophers. We think some people are more likely to form true beliefs about the sex of chickens than others even though we can’t explain why they are better at judging the sex of chickens. But in the case of chicken-sexing, we have independent means of determining the truth, and so we have independent verification that chicken-sexers usually get things right. Externalism seems to tell[s] us that some of us are better reasons- sensors than others, but without providing the independent means of determining which of us are in fact more reliably motivated by genuine normative reasons (or even that some of us are).

#### [3] Motivation – A. Externalist ethics collapse to internalism because agents will only follow external demands if they are consistent with their internal account of the good. For instance, citizens only follow the law insofar as its consistent with their internal beliefs, even when external value structures are being placed upon them.

#### Next, every agent takes their ability to act on their ethical system as instrumentally valuable. Only self interest bridges relativism to provide a universal principle.

**Moore** Margaret Moore, Queens University professor in the Political Studies department, cross-appointed (as a courtesy) in Philosophy, Reviewed Work(s): Morals by Agreement. by David Gauthier, Noûs, Vol. 25, No. 5 (Dec., 1991), pp. 707-714 ///AHS PB /BHHS AK recut

On Gauthier's view, morality is a sub-set of self-interest (he calls it preference-fulfillment), which is instrumentally necessary, not absolutely, but given features of the human situation which are almost certain to ob- tain. By taking as his starting-point the agent's subjective motivational set, whatever its content, Gauthier can claim that the requirements of morality escape none who fall under its ambit, for each person necessarily acts on his or her desires and aims. If Gauthier's project is successful, he will have refuted the moral skeptic: by demonstrating that morality is self-interestedly rational, he can claim that the principles are justified and that they apply to everyone. He does not need to presuppose a feeling such as sympathy to explain moral action, or appeal to a process of moral education and socialization within communities which shape the individual's desires and beliefs in accordance with a specific moral conception. Gauthier's agents simply maximize their utility and in the process find that they need to co-operate with others and that the dynamics of co- operation make it rational in self-interested terms to constrain their utility- maximization. By considering in this way the principles and constraints which it would be rational for co-operating self-interested agents to adopt, Gautheir claims to be able to deduce a system of moral constraints and Principles.

#### This entails a system of mutual self restraint: Contracts are the only standard capable of generating normativity since each agent rationally chooses to protect their self-interest by entering the contract.

**Gauthier** [David Gauthier, Canadian-American philosopher best known for his neo-Hobbesian social contract theory of morality, Why Contractarianism?, 1998], ///AHS PB /BHHS AK recut

I shall not rehearse at length an argument that is now familiar to at least some readers, and, in any event, can be found in that book. But let me sketch briefly those features of deliberative rationality that enable it to constrain maximizing choice. The key idea is that in many situations, if each person chooses what, given the choices of the others, would maximize her expected utility, then the outcome will be mutually disadvantageous in comparison with some alternative – everyone could do better**. 14 Equilibrium, which obtains when each person ’ s action is a best response to the others ’ actions, is incompatible with (Pareto-) optimality, which obtains when no one could do better without someone else doing worse. Given the ubiquity of such situations,** each person can see the benefit, to herself, of participating with her fellows in practices requiring each to refrain from the direct endeavor to maximize her own utility, when such mutual restraint is mutually advantageous. No one**,** of course**,** can have reason to accept any unilateral constraint on her maximizing behavior; each benefits from, and only from, the constraint accepted by her fellows. But if one benefits more from a constraint on others than one loses by being constrained oneself, one may have reason to accept a practice requiring everyone, including oneself, to exhibit such a constraint. We may representsuch a practiceas capable of gaining unanimous agreement among rational persons who were choosing the terms on which they would interact with each other. And this agreementis the basis of morality**.** Consider a simple example of a moral practice that would command rational agreement. Suppose each of us were to assist her fellows only when either she could expect to benefit herself from giving assistance, or she took a direct interest in their well-being. Then, in many situations, persons would not give assistance to others, even though the benefit to the recipient would greatly exceed the cost to the giver, because there would be no provision for the giver to share in the benefit. Everyone would then expect to do better were each to give assistance to her fellows, regardless of her own benefit or interest, whenever the cost of assisting was low and the benefit of receiving assistance considerable**.** Each would thereby accept a constraint on the direct pursuit of her own concerns, not unilaterally, but given a like acceptance by others. Reflection leads us to recognize that those who belong to groups whose members adhere to such a practice of mutual assistance enjoy benefits in interaction that are denied to others**.** We may then represent such a practice as rationally acceptable to everyone.This rationale for agreed constraint makes no reference to the content of anyone ’ s preferences**.** The argument depends simply on the structure of interaction, on the way in which each person ’ s endeavor to fulfill her own preferences affects the fulfillment of everyone else**.** Thus, each person ’ s reason to accept a mutually constraining practice is independent of her particular desires, aims and interests, although not, of course, of the fact that she has such concerns**. The idea of a purely rational agent, moved to act by reason alone, is not, I think, an intelligible one.** Morality is not to be understood as a constraint arising from reason alone on the fulfillment of nonrational preferences. Rather, a rational agent is one who acts to achieve the maximal fulfillment of her preferences, and morality is a constraint on the manner in which she acts, arising from the effects of interaction with other agents

#### Thus, the standard is consistency with contractarianism. Prefer additionally:

#### [1] Actor specificity – states are not moral entities but derive authority from the contracts that allows them to constrain action. This outweighs - states aren’t bound by moral obligations, but they are by their contracts to other entities.

#### Negate:

#### [1] IP rights are included in multiple international contracts – the aff violates that.

**WIPO** (WIPO, 11-9-1998, accessed on 8-25-2021, World Intellectual Property Organization, "Intellectual Property and Human Rights", https://www.wipo.int/edocs/pubdocs/en/wipo\_pub\_762.pdf)

The World Intellectual Property Organization (WIPO) and the Office of the United Nations High Commissioner for Human Rights (OHCHR) take pleasure in issuing the proceedings of the Panel Discussion on "Intellectual Property and Human Rights" which took place in Geneva on November 9, 1998, to mark the Fiftieth Anniversary of the Universal Declaration of Human Rights (UDHR). Intellectual property rights are enshrined as human rights in the UDHR. Article 27 of the Universal Declaration provides that: "(]) Everyone has the right.freely to participate in the cultural life of the community, to enjoy the arts and to share in scientific advancement and its benefits; (2) Everyone has the right to the protection of the moral and material interests resulting from any scientific, literary or artistic production of which he is the author." These rights are further emphasized by Article 15 of the International Covenant on Economic, Social and Cultural Rights, 1966 (ICESCR), Article 19 of the International Covenant on Civii'and Political Rights, 1966 (ICCPR), the Vienna Declaration and Program of Action, 1993 (VDPA), and other international and regional instruments.

#### [2] Consent – the aff bypasses the consent of medicine producers and allows it to be violated by removing patents - negates because violating a party’s consent is an act of disregarding their side of a hypothetical contract

## 3

#### The neg burden is to prove that the aff won’t logically happen in the status quo, and the aff burden is to prove that it will.

#### Prefer:

#### 1] Text –

#### A] Ought is “used to express logical consequence” as defined by Merriam-Webster

(<http://www.merriam-webster.com/dictionary/ought>) //Massa

#### B] Oxford Dictionary defines ought as “used to indicate something that is probable.”

<https://en.oxforddictionaries.com/definition/ought> //Massa

#### 2] Debatability – A] it focuses debates on empirics about squo trends rather than irresolvable abstract principles that’ve been argued for years – Resolvability is an independent voter cuz otherwise the judge can’t make a decision which means it’s a constraint on any burden because otherwise the round is impossible B] moral framework debate is impossible.

Joyce 02 Joyce, Richard. Myth of Morality. Port Chester, NY, USA: Cambridge University Press, 2002. p 45-47.

This distinction between what is accepted from within an institution, and “stepping out” of that institution and appraising it from an exterior perspective, is close to Carnap’s distinction between internal and external questions. 15 Certain **“linguistic frameworks”** (as Carnap calls them) **bring** with them **new** terms and **ways of talking: accepting the language of “things” licenses making assertions** like “The shirt is in the cupboard”; **accepting mathematics allows one to say “There is a prime number greater than one hundred”;** accepting the language of propositions permits saying “Chicago is large is a true proposition,” etc. Internal to the framework in question, confirming or disconfirming the truth of these propositions is a trivial matter. But traditionally **philosophers have interest**ed themselves **in** the external question – **the issue of the adequacy of the framework itself:** “Do objects exist?”, “Does the world exist?”, “**Are there numbers?”,** “Are the propositions?”, etc. Carnap’s argument is that **the** external **question,** as it has been typically construed, **does not make sense. From a perspective that accepts mathematics, the answer to the question “Do numbers exist?” is just** trivially **“Yes.”** From a perspective which has not accepted mathematics, Carnap thinks, the only sensible way of construing the question is not as a theoretical question, but as a practical one: “Shall I accept the framework of mathematics?”, and this pragmatic question is to be answered by consideration of the efficiency, the fruitfulness, the usefulness,etc., of the adoption. But the (traditional) **philosopher’s questions** – “But is mathematics true?”, “Are there really numbers?” – **are pseudo-questions.** By turning traditional philosophical questions into practical questions of the form “Shall I adopt...?”, Carnap is offering a noncognitive analysis of metaphysics. Since I am claiming that we can critically inspect morality from an external perspective – that we can ask whether there are any non-institutional reasons accompanying moral injunctions – and that such questioning would not amount to a “Shall we adopt...?” query, Carnap’s position represents a threat. What arguments does Carnap offer to his conclusion? He starts with the example of the “thing language,” which involves reference to objects that exist in time and space. **To** step out of the thing language and **ask “But does the world exist?” is a mistake,** Carnap thinks, **because the very notion of “existence” is a term which belongs to the thing language, and can be understood only within that framework, “hence this concept cannot be meaningfully applied to the system itself.”** 16 Moving on to the external question “Do numbers exist?” Carnap cannot use the same argument – he cannot say that “existence” is internal to the number language and thus cannot be applied to the system as a whole. Instead he says that philosophers who ask the question do not mean material existence, but have no clear understanding of what other kind of existence might be involved, thus such questions have no cognitive content. It appears that this is the form of argument which he is willing to generalize to all further cases: **persons who dispute** whether propositions exist, **whether properties exist,** etc., do not know what they are arguing over, thus they **are not arguing over the truth of a proposition,** but over the practical value of their respective positions. Carnap adds that this is so because there is nothing that both parties would possibly count as evidence that would sway the debate one way or the other.

#### 3] Neg definition choice – the aff should have defined ought in the 1ac because it was in the rez so it’s predictable contestation, by not doing so they have forfeited their right to read a new definition – kills 1NC strategy since I premised my engagement on a lack of your definition.

#### Now negate:

#### 1] Inherency – either a) the aff is non-inherent and you vote neg on presumption or b) it is and it isn’t going to happen since there are structural barriers that preclude. Also you don’t get to say in the 1ar that the aff is non inherent because you took a stance in the aff that it was which is an academic integrity issue.