### Framework

#### The Meta-Ethic is Moral Pluralism; Clashing viewpoints does not require the exclusion of one over another but instead the acceptance that both can be valuable ethical tools. Prefer

#### 1] Empirics- Subjectivity is inescapable

Pölzler and Wright 19[Thomas Pölzler and Jennifer Cole Wright- “Empirical research on folk moral objectivism” <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC6686698/> NCBI. Published July 5th 2019]

Examining these studies' results more closely, however, makes it less clear whether this interpretation is appropriate (Pölzler, 2018b). Take again Goodwin and Darley's study. In this study, almost 30% of subjects' responses to the disagreement measure and almost 50% of their responses to the truth‐aptness measure fell on the option that the researchers took to be indicative of subjectivism (Goodwin & Darley, 2008, pp. 1347, 1351). Moreover, while some moral statements were dominantly classified as objective (e.g., the above statement about robbery), many others were dominantly classified as nonobjective (e.g., the stem cell research statement). This suggests that subjects in Goodwin and Darley's study may have actually favored what Wright, Grandjean, and McWhite (2013) called “metaethical pluralism,” i.e., they sometimes sided with objectivism and other times with nonobjectivism. More recent studies have by and large confirmed this hypothesis of folk metaethical pluralism. Wright et al. (2013) and Wright, McWhite, and Grandjean (2014), for example, replicated Goodwin and Darley's results, using the exact same measures, but letting subjects classify the presented statements as moral and nonmoral themselves. Objectivity ratings for statements that were dominantly self‐classified as moral varied between as little as 5% and as much as 85%. Research based on different measures yielded high proportions of intrapersonal variation as well (e.g., Beebe, 2014; Beebe, Qiaoan, Wysocki, & Endara, 2015; Beebe & Sackris, 2016; Fisher, Knobe, Strickland, & Keil, 2017; Goodwin & Darley, 2012; Heiphetz & Young, 2017; Wright, 2018; Zijlstra, forthcoming‐a).2

#### 2] Subject Formation – experiences shape identity because we construct our thoughts based on how we feel.

University at Buffalo Center for Educational Innovation **(U@Buffalo CEI)**. (**2020**, December 08). Constructivism. Retrieved April 14, 2021, from http://www.buffalo.edu/ubcei/enhance/learning/constructivism.html

**Constructivism** is the theory that **says learners construct knowledge rather than** just **passively take in information.** **As people experience the world and reflect** upon those experiences, **they build their own representations and incorporate new information into their pre-existing knowledge (schemas).**

Related to this are the processes of assimilation and accommodation.

* **Assimilation** refers to the process of taking new information and fitting it into an existing schema.
* **Accommodation** refers to using newly acquired information to revise and redevelop an existing schema.

**For example, if I believe** that **friends are always nice, and meet a** new **person who is** always **nice to me I may call this person a friend, assimilating them into my schema.** **Perhaps, however, I meet a different person who sometimes pushes me to try harder and is not always nice.** **I may decide to change my schema to accommodate** this person by deciding a friend doesn’t always need to be nice if they have my best interests in mind. **Further, this may make me reconsider whether the first person still fits into my friend schema.**

Consequences of constructivist theory are that:

* Students learn best when engaged in learning experiences rather passively receiving information.
* Learning is inherently a social process because it is embedded within a social context as students and teachers work together to build knowledge.
* Because knowledge cannot be directly imparted to students, the goal of teaching is to provide experiences that facilitate the construction of knowledge.

This last point is worth repeating. A traditional approach to teaching focuses on delivering information to students, yet constructivism argues that you cannot directly impart this information. Only an experience can facilitate students to construct their own knowledge. Therefore, the goal of teaching is to design these experiences.

#### **Only a pragmatic deliberative model accepts ongoing confrontation as legitimate rather than oppositional.** Thus, the standard is promoting pragmatic deliberation.

Serra 1 [Juan Pablo Serra. What Is and What Should Pragmatic Ethics Be? Some Remarks on Recent Scholarship. EUROPEAN JOURNAL OF PRAGMATISM AND AMERICAN PHILOSOPHY. 2009. Francisco de Vitoria College, Humanities Department, Faculty member]

This separation of theory and practice runs parallel to another split, namely, that of ethics and morals or, better put, of ethical theory and moral practice. Peirce denies that morality is subject to rationality and thinks that ethicsisvaluable as a science in a broad sense. But he also regards ethics as a science which bears on human conduct only indirectly, through the examination of past actions and the self-correction of the self in view of future action. In addition, ethics would be a normative knowledge only in so far as it analyzes the adjustment of actions to ends and in so far as it studies the general way in which a good life can be lived. In morals Peirce appeals to instinct and sentiment, and in ethics he recommends the use of logical thinking —just as scientists do. However, even within the framework of his system, it’s not obvious that scientists may so easily set aside their instincts —in fact, instinct (or ‘rational instinct’ as he called it in 1908) plays a significant role in the economy of re- search. Moreover, the statement that in moral issues there may be no possibility of carrying out an inquiry that is truth-oriented is not an uncontroversial one. After all, moralinquiryisperformedin a deliberativeway**,** weighing up argumentations, beliefs andprinciples**,** andcomparingthem either with their probable or conceivable consequences or with lived as well as possible experiencesthatcan be forceful or impingeuponthe deliberative subject in such a way as to acquire the compulsory resistance due to reality. As Misak puts it succint- ly, “the practice of moral deliberation is responsive to experience, reason, argument, and thought experiments... Suchresponsivenessispartofwhatitistomakea moral decision and part of what it is to try to live a moral life” (2000: 52)3. Likewise, this same deliberativeactivityimpliesanefforttoacquirehabits**,** beliefs and principles thatcontributeto a truly freedeliberation which, in turn, can result in creative conclusions. For Peirce, as you get more habit-governed, you become more creative and free, and your selfhood acquires plas- ticity and receptiveness to experience4. Vincent Colapietro has referred to Peirce’s description of human reason in terms of a deliberative rationality (1999: 24). Also, in another place he has explained that deliberation for Peirce is a process of preparation for future action which has to do with the checking of previous acts, the rehearsal in imagination of different roads to be followed by possible conduct and the nurturing of ideals (Colapietro 1997: 270, 281). It is precisely this experi- ment carried out within imagination that generates habits, because, as Peirce says in “A Survey of Pragmaticism”, “it is not the muscular action but the accompanying inward ef- forts, the acts of imagination, that produce the habit” (CP 5.479, 1907). Habits are regular ways of thinking, perceiving and interpreting that generate actions. As such, habits have a huge influence on human behavior, manifest themselves in the con- crete things we do and, at the same time, are formed within those same activities. Even more, according to Peirce, theactivitytakes the formofexperimentation in the inner world; and the conclusion (if it comes to a definite conclusion), is that under given conditions, the interpreter will have formed the habit of acting in a given way whenever he may desire a given kind of result. The real and living logical conclusionisthat habit (CP 5.491, 1907). Much more evidence could be given to support the view that habits are virtually decided (CP 2.435, c.1893) and also that intelligence comprises inward or potential actions that in- fluence the formation of habits (CP 6.286, 1893). Suffice it to say that, according to Peirce, deliberation is a function of the imagination, and that imagination is in itself an experiment which may have unexpected consequences that impose themselves upon the deliberative subject.

#### Prefer additionally

#### 1] TJFS- A] Inclusion – Pragmatism definitionally is a procedural for allowing almost any argumentation in the debate space which controls the internal link to inclusion which is an impact multiplier B] Resource Disparities- Discursive 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.

#### 2] Performativity- Responding to our framework concedes the validity of pragmatism since that in and of itself is a process of contestation that pragmatism would say is valuable and necessary for spaces like debate to function.

#### **3]** Resolves trivialism- a) Discussion between many bodies means that moral uncertainty can be deliberated and resolved. b) Truth only makes sense in groups of people so only they can prescribe action

#### 4] Actor Specificity- Governments follow agonistic procedures all the time because they try to include voices and resemble the interests of all of their citizens. There is nothing inherent to obligations that guide us on how we ought to follow it, regardless of how correct the obligation is. Only deliberation accounts for the diversity of interpretations of our norms allowing action guidance for states.

#### 5] Hijacks any ethical theory- if your framework is really key to morality then we would come to that conclusion after deliberation

#### 6] Value Pluralism- Other ethical theories rely on minimalistic criteria as their foundation, our framework resolves this by using these criteria to better inform our judgments

#### 7] Permissibility and Presumption affirm

**A] Otherwise we’d have to justify neutral actions like drinking water.**

**B] We wouldn’t be able to start a strand of reasoning since we’d have to question that reason.**

**C] Presuming obligations is logically safer since it’s better to be supererogatory than fail to meet an obligation.**

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

### Offense

#### Plan – Resolved: The member nations of the World Trade Organization ought to reduce intellectual property protections for medicines by implementing a one-and-done approach for patent protection.

#### 1] Reducing IP is a method of global solidarity by manifesting intra-country cooperation.

Jecker and Atuire 7/7 [Nancy S Jecker (professor of bioethics and philosophy at the University of Washington School of Medicine, Department of Bioethics and Humanities) and Caesar A Atuire (PhD in Philosophy from the Athenaeum Regina Apostolorum, Rome, Lecturer in the Department of Philosophy and Classics at the University of Ghana, Legon). “What’s yours is ours: waiving intellectual property protections for COVID-19 vaccines”. Journal of Medical Ethics. July 7 2021. Accessed 7/22/21. <https://jme.bmj.com/content/early/2021/07/06/medethics-2021-107555> //Xu]

We turn next to positive ethical arguments for temporarily waiving IP protections, which appeal to the values of globally solidarity and corporate responsibility. Global solidarity underscores that during the COVID-19 pandemic, each nation’s interests are entwined with the interests of every other.22 Just as it is impossible for any nation standing alone to address the threat to human health climate change raises, it is impossible for any single nation to meet the challenge that COVID-19 and future pandemics present. Instead, humanity must stand together. In the past, nations have failed to do so. The epidemic of HIV/AIDS in Africa illustrates. Shamefully, it took nearly a decade for the first antiretroviral drugs to reach the African continent, even though Africa was the hardest hit region and antiretroviral drugs provided 90% mortality reduction. Although the US government was an early investor in research that produced antiviral drugs for HIV, distribution was controlled by big pharmaceutical companies driven by profit. The USA and other wealthy countries repeated this mistake during the COVID-19 pandemic, supporting vaccine developers without requiring technology transfers and donations to COVAX (the multilateral partnership supplying vaccines to LMICs). Ethically, the task ahead is fixing a problem of human making. A second argument, based on corporate social responsibility, stresses expectations for and benefits of socially responsible behaviour by for-profit companies. Increasingly, companies appreciate the potential impact that socially responsible behaviour has on competitive advantage, reputation, retention of workers and customers, employee morale and relationships with stakeholders.23 IP protections shield pharmaceutical companies from competition, enabling them to monopolise markets and generate above-normal profits. During a pandemic, social responsibility requires temporarily limiting profits and requiring companies to give back, rather than allowing above-normal profits to accrue unchecked. Even Locke, who conceived of our modern notion of property rights, held that fundamental rights like property could be justly overridden under certain conditions, namely, when the goods are perishable and would go to waste or when their extraction may intrude on the common good, in which case they extend only to what leaves enough behind for others.24 Building on this analysis, we submit that displays of social responsibility fall along a continuum. During the COVID-19 pandemic, a high degree of responsibility would be shown by temporarily sharing patents for products aimed at preventing, containing, or treating COVID-19, which is India and South Africa’s proposal; moderate responsibility would be demonstrated by temporarily sharing licenses to manufacture COVID-19 vaccines, as the WTO Director General proposes; and minimal responsibility would be shown by sending vaccines directly to nations in response to pleas for help, which Pfizer did when it pledged up to 40 million doses of its vaccine to COVAX (which represents under 2% of the 2.5 billion doses Pfizer will produce in 2021).25

#### 2] 2] IP protections are enforced under threat of sanction for noncompliance.

Moschini 04 [GianCarlo Moschini (professor of economics and Pioneer Hi-Bred Endowed Chair in Science and Technology Policy, Department of Economics, Iowa State University). “Intellectual Property Rights and the World Trade Organization: Retrospect and Prospects”. Preprint version of Chapter 19 of “Agricultural Policy Reform and the WTO: Where Are We Heading?” Edward Elgar Publishing, 2004. Accessed 8/16/21. <https://www.card.iastate.edu/faculty/profiles/giancarlo_moschini/moschini-trips-preprint-oct-04.pdf> //Xu]

TRIPS is remarkable from both the viewpoint of past trade liberalization efforts undertaken under the aegis of the General Agreement on Tariffs and Trade (GATT), the precursor to the WTO, and from the perspective of international coordination of IPRs as pursued by numerous previous treaties and agreements in the context of the World Intellectual Property Organization (WIPO). From the perspective of trade institutions and traditions, TRIPS broke from the past by attacking the somewhat arcane issues of IPRs, an entirely new subject matter. In so doing the agreement reaches beyond the border measures that had been, up to that point, the almost exclusive domain of trade liberalization efforts. The need to justify such a less-than-obvious extension of the reach of GATT was very much emphasized by the carefully worded prefix ‘trade-related’ that was used to characterize the new subject matter. From the perspective of previous international efforts at coordinating national IPR rules, TRIPS is remarkable because it bundled together the main provisions of themajor (and hitherto separate) international IPR agreements, because it strengthened the requirements of existing agreements in some crucial areas, and because it included the final package as a required element for participation in the WTO (as part of the ‘single undertaking’ process for ratification). Furthermore, enforcement of international IPRs, essentially nonexistent under WIPO, under TRIPS can rely on the WTO dispute settlement mechanism and on the threat of trade sanctions for noncompliance. This expansion of the scope of WTO activities is likely to have important long-run consequences. As one observer put it soon after the conclusion of the Uruguay round, “The farmers and the issues of agricultural subsidies have the limelight. TRIPS, however, will over time play a bigger role in the global economic drama” (Drahos, 1995).

#### Sanctions are a form of power-over that employs coercive strategies and runs perpendicular to deliberative procedures.

Hendriks 17 [Carolyn M. Hendriks (Crawford School of Economics and Government, Australian National University). “Deliberative governance in the context of power.” Policy and Society. Pg 173-184. 3/3/17. Accessed 6/16/20. https://www.tandfonline.com/doi/full/10.1016/j.polsoc.2009.08.004 //Xu]

‘Power-over’ occurs when the powerful exert control or domination overthe powerless for a desired outcome.6 This is sometimes referred to as coercion where an actor (or set of actors) uses force or threat of sanction to pursue their interests. In other words, ‘A exercises power-over B when A affects B in a manner contrary to B interests’ (Lukes, 1974, p. 27). This is a zero-sum understanding of power where someone’s gain, is another’s loss. ‘Power-over’ has at least three different dimensions (Lukes, 1974):Primary or first dimension power refers to the direct domination of A over B in an observable conflict arena (Gaventa, 1980, pp. 13–14; Lukes, 1974, pp. 11–15). This dimension of ‘power-over’ is the one most closely associated with interest group pluralism for it refers to a bargaining or decision-making process in which there are clear winners and losers. 2. Second dimension power is a more indirect form of ‘power-over’ where A manipulates the rules of the game so that B does what A wants (Gaventa, 1980, pp. 14–15; Guinier & Torres, 2002, pp. 327, fn 313; Lukes, 1974, pp. 16–20). This kind of power creates a ‘mobilising bias’, for example, by excluding certain participants or issues from politics, or through non-decisions (Bachrach & Baratz, 1962, 1963). 3. The third dimension of ‘power-over’ refers to more subtle forms of control and domination, which can be exerted through observable or physiological means. It occurs when A uses symbols, myths and narratives to manipulatively influence B’s reality, including how she perceives her own wants and the inequalities around her (Guinier & Torres, 2002, pp. 327, fn 313; Lukes, 1974, pp. 21–25). It can also involve A shaping how B views the possibilities for change, to the extent where B sees it as inappropriate or even pointless to challenge A’s power (Gaventa, 1980, p. 20). Given its subtle and tacit nature, the third dimension of power is difficult to place under surveillance and monitor. ‘Power-over’ is pervasive feature in all democracies and one at the centrepiece of interest group politics. This is the kind of power that is intentionally designed out of structured (micro) deliberative procedures. The general thrust of this argument is that forms of strategic action such as control, domination, manipulation and deception are inconsistent with the communicative conditions necessary for deliberation (see Cohen, 1997). The idea that deliberative procedures contain and expose coercive forms of power has been the source of much of the critique lodged against deliberative democracy. For example, realists are sceptical that micro deliberation could ever proceed in such a manner given the prevalence of competing interests and conflicts in contemporary policy settings (Shapiro, 1999). Other critics argue that the presence of power-over in most policy settings means that for some groups it might not be in their strategic interests to engage in public deliberation (Hendriks, 2006b; Simon, 1999).

### Underview

#### 1] 1AR theory is legit – anything else means infinite abuse – drop the debater, competing interps, no rvis– 1AR is too short to make up for the time trade-off – no RVIs or 2NR theory and paradigm issues– 6 min 2NR means they can brute force me every time.

#### Aff theory first – it’s a much larger strategic loss because 1min is ¼ of the 1AR vs 1/7 of the 1NC which means there’s more abuse if I’m devoting a larger fraction of time.

#### 2] All neg interps are counter interps since the aff takes an implicit stance on every issue which means you need an rvi to become offensive. You should accept all aff interps and assume I meet neg theory since the aff speaks in the dark and I have to take a stance on something, you can at least react and adapt.

**3. RVI on NC theory – you can read arguments such as T that are exclusively neg so I need them to compensate and weighing is structurally unfair since the 7-4-6-3 time skew means that the neg can just dump on weighing and the 2ar becomes impossible. This means that if either side has any offense under any framing then you default aff.**

#### 4] The neg can only gain offense from one unconditional route to the ballot- Forces the neg to engage in the AC rather than just uplayering

#### 5] No neg meta-theory – I only have time to check abuse 1 time but you can do it in the nc and 2n, uplayering my attempt means we never get to the best norm. This means reject any reason why an aff spike is bad since they claim aff theory is unfair.

#### 6]If I win one layer vote aff- The NC has the ability to uplayer for 7 minutes and moot 6 minutes of case

#### 7] Reject neg fairness concerns since

#### a) 13-7 time skew and 6-minute collapse gives the negative the strategic advantage and means the AFF must split 1AR time.

#### b) The NC has the ability to uplayer and restart the round and have time to generate offense that matters.

#### c) You have access to more positions due to generic backfiles and bidirectional shells which means neg theory is impossible to avoid.

#### D)fairness definitionally questions ability to engage in same practice, any abuse is solved for when you affirm next round which is terminal defense to neg shells – only affirming solves because you can construct the aff the way you like while neg is always reactive which means you can’t do anything every round

#### 8] Affirming is harder. A] Empirics.

Shah 19 [Sachin Shah, 2019, "A Statistical Analysis of Side-Bias on the 2019 January-February Lincoln-Douglas Debate Topic," NSD Update, http://nsdupdate.com/2019/a-statistical-analysis-of-side-bias-on-the-2019-january-february-lincoln-douglas-debate-topic/] AG accessed 6-22-2019

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.

#### 9] No theory or Ks on spikes – moots AC offense since I don’t have anything to leverage in the 1AR

#### 10] No theory arguments in the 2n or new responses a) overloads the 2ar with a massive clarification burden b) impossible to check abuse if the 2n can just dump on the shell for 6 minutes, c) overloads the 2ar with no risk shells and arguments that beat my 1ar strat.

#### 11] No new 2nr responses, kills 2ar strat cuz they can dump on all our 2ar outs with a 6-3 skew causing inf abuse

#### 12] Intellectual property is coercive by restricting what people can do with their property

Krawisz 9 [Krawisz, Daniel. “The Fallacy of Intellectual Property.” Mises Institute, 8 Aug. 2009, mises.org/library/fallacy-intellectual-property.//dhs NJ]

Intellectual property is the principle that the creator of an idea has a right to certain controls over all the physical forms in which his idea is recorded. The extent of this control may be different depending on whether the idea is considered copyrighted, patented, or trademarked, but the essential principle is the same in all cases.[1] This presumed right of the creator of an idea is often believed to be similar to the right that a homesteader has to land he has settled, but the analogy is false. Intellectual property is necessarily a statist doctrine. The Nature of Property People cannot be expected to agree unanimously on what the world ought to be like and what each person should do, nor are people necessarily coordinated and patient enough to arrive at a consensus through deliberation. Instead they will tend to be apart from one another, desiring immediate action and lacking established procedures of efficiently coming to decisions. When people disagree and are unwilling to deliberate, one person's decision must prevail without regard to the others' desires. Whose decision prevails may be determined in two ways: physical conflict, or deferral to a system of property. With a system of property in place, it is necessary only to ask who owns a thing, rather than to endure the costs of deliberation or to resort to violence. Without the possibility of two persons attempting to control any one thing, defining property rights would be a mere psychological game without any consequences for human action. If persons were bodiless ghosts able to pass through one another without interacting, or if everyone lived in his own universe without being able to move from one to another, all disagreements about what to do with the world would be irrelevant. The purpose of property rights is the prevention of physical conflict. An essential characteristic of property is exclusivity, meaning that the use of an object by one person prevents it from being used by another.[2] In addition to property rights, political theorists have proposed many other kinds of rights. All such rights must resolve into rights over physical things. When we speak of a right to free speech or a right to one's labor, for example, we really mean a right over one's own physical body. All rights, therefore, are ultimately property rights. Ultimately, though we might speak of ownership over abstract things, it is only physical things, which can actually be fought over, that are owned. This we must keep in mind, for it is possible to sound reasonable and humane when discussing in abstract terms rights that would sound monstrous if they were described in terms of property. Libertarians have often noted, for example, that the "right" to health care, a job, or a minimum income implies a property right over the people capable of providing such things and is therefore really a form of slavery. Similarly, the right to a vote is really a joint ownership between all citizens over the people, land, and everything else within a particular jurisdiction. Libertarians themselves are at times confused over this issue. For example, they sometimes claim that in a free market broadcast industry, broadcasters would own certain frequencies in a given region and would therefore have the right to broadcast without interference by a pirate radio station on the same frequency. Yet it is clearly not the frequency that is owned, because a frequency is not a physical object but rather an abstract property of all waves. It is the land over which that frequency is broadcast that is owned, albeit only for the purposes of broadcasting that frequency. Ownership of a radio frequency is ultimately a property right over a region of space, which allows someone to broadcast at a given frequency over it.[3] This example demonstrates that ownership is not necessarily over entire objects but rather over decisions to be made with regard to them. An object can be owned by many different people because there are many kinds of decisions that can be made about it. Since different frequencies of radio waves can pass through one another without interfering, the same territory can be owned separately for the purposes of broadcasting at each frequency without leading to a conflict.[4] Ideas cannot themselves be controlled with physical force, but instead must be controlled by way of other things — paper, printing presses, computers, and people. It is therefore in these things that intellectual property consists. To own a patent in a given invention is to have rights over everything in the universe that might be used to replicate that invention. This ownership is limited; one only owns things to the extent of being able to prevent others from arranging them in a particular way. Similarly, to have a copyright in a song or a book is to have a property right over all paper, printing presses, computers — even over all people — everywhere. The owner may prevent the copying or public performance of his work by them all. Intellectual property is, like socialism, a kind of slavery, albeit a limited kind. Unlike socialism, however, intellectual property does not limit itself to the people and property in a given town or nation, or even the entire world. Since most matter in the universe could be used to encode an idea, intellectual property is a claim over the entire universe. "Intellectual property is necessarily a statist doctrine." Rather than seeing intellectual property as a particularly expansive kind of physical property, many people see it as a separate, analogous, and equally fundamental construction. To copy an intellectual work is therefore a form of theft analogous to burglary; however, I insist that there is no analogy. Intellectual property and physical property cannot exist side-by-side as logically independent legal constructions. Anything that gives control over physical things necessarily limits others' control of those things, and therefore acts exactly like a physical property right. If you have an intellectual property right to your monograph, you may prevent me from copying it, thereby limiting the physical property right I have in my ink, pen, and paper.