### Spikes on Top

#### Interpretation: All arguments concerning fairness or education must be read first in the affirmative speech. To clarify, theory arguments must be read at the top of the affirmative case before all substantive arguments.

#### Violation:

#### Standards:

#### 1] Neg strat – spikes change neg strat cuz they operate on the highest layer – if they read all the substance first, neg prep is screwed cuz my substantive strat would be nullified by your theory arguments i.e. no neg fiat would take out a CP I was planning to read for 5min

#### 2] Substantive education – spikes on top means it’s easier for negs to plan a strategy that meets the spikes to ensure that debaters have better substantive debate. Outweighs: a) timeframe – we only have 2 months for each topic but 4 years for theory, b) it develops advocacy skills by learning more about real world policies.

#### 3] No cross application of spikes and this shell outweighs – this indicts their ability to use spikes since they affected my strategy in the first place and any 1ar cross apps prove abuse

#### Fairness is a voter—debate is a competitive activity that requires objective evaluation and ow other voters on irriversibilty. Education is a voter, it’s the benefit to debate. Drop the debater—the abuse has already occurred and my time allocation has shifted—also the shell indicts your whole aff—justifies severance which skews my strat. Use competing interps—leads to a race to the top since we figure out the best possible norm and avoids judge intervention since there’s a clear briteline. No RVIs—

#### Baiting—they’ll just bait theory and prep it out—justifies infinite abuse and results in a chilling effect

### Contractarianism NC

#### Moral internalism is true:

#### [1] Disagreement – Externalist theories fail to explain why some agents have the differing motivation for actions – internalism solves by showing how agents’ motivations are dictated by internal desires. Markovitz

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

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).

#### [2] Regress – a priori knowledge is merely an acceptance of an individual’s conception of rationality. Macintyre 81.

[Macintyre 81, Alasdair Macintyre, https://undpress.nd.edu/9780268035044/after-virtue/ After Virtue, 1981] SHS ZS

The most influential account of moral reasoning that emerged in response to this critique of emotivism was one according to which an agent can only justify a particular judgment by referring to some universal rule from which it may be logically derived, and can only justify that rule in turn by deriving it from some more general rule or principle; but on this view [**S]ince every chain of reasoning must be finite**, such **a process of justificatory reasoning must always terminate with the assertion of some rule or principle for which no further reason can be given.** ‘Thus a complete justification of a decision would consist of a complete account of its effects together with a complete account of the principles which it observed, and the effect of observing those principles. **If** [I] **the enquirer still goes on ask ing** ‘But why should I live like that?’ then **there is no further answer to give** him, because we have already, ex hypothesi, [we have already] said everything that could be included in the further answer.’ (Hare 1952, p. 69). **The terminus of justification is thus always**, on this view, a not further to be justified choice, **a choice unguided by criteria.** **Each individual implicitly or explicitly has to adopt his or her own first principles on the basis of such a choice.** The utterance of any universal principle is in the end an expression of the preferences of an individual will and for that will its principles have and can have only such authority as it chooses to confer upon them by adopting them.

#### [3] Empirically proven – the competition between competing externalists modes of ethics has been going for centuries. Leiter

[Leiter, Brian. “Moral Psychology with Nietzsche.” Oxford University Press. Published 2019] SHS ZS

With respect to very particularized moral disagreements — e.g., about questions of economic or social policy — which often trade on obvious factual ignorance or disagreement about complicated empirical questions, this seems a plausible retort. But **for over two hundred years**, **Kantians and utilitarians have** [developed] **been developing** increasingly systematic **versions of their respective positions**. The Aristotelian tradition in moral philosophy has an even longer history. **Utilitarians** [They] **have become** particularly **adept at explaining how they can accommodate** [**others**] Kantian and Aristotelian intuitions about particular cases and issues, **though** in ways that are usually found to be systematically unpersuasive to the competing traditions and which, in any case, **do nothing to dissolve the disagreement** about the underlying moral criteria and categories. Philosophers in each tradition increasingly talk only to each other, without even trying to convince those in the other traditions. And **while there may well be ‘progress’ within traditions** — e.g., most utilitarians regard Mill as an improvement on Bentham—**there does not appear to be any progress** [towards] **in moral theory**, in the sense of a consensus that particular fundamental theories of right action and the good life are deemed better than their predecessors. What we find now are simply the competing traditions — Kantian, Humean, Millian, Aristotelian, Thomist, perhaps now even Nietzschean — who often view their competitors as unintelligible or morally obtuse, but don’t have any actual arguments against the foundational principles of their competitors. **There is**, in short, **no sign** — I can think of none — **that we are heading towards any epistemic rapprochement** between these competing moral traditions. Are we really to believe that hyper-rational and reflective moral philosophers, whose lives, in most cases, are devoted to systematic reflection on philosophical questions, many of whom (historically) were independently wealthy (or indifferent to material success) and so immune to crass considerations of livelihood and material self-interest, and most of whom, in the modern era, spend professional careers refining their positions, and have been doing so as a professional class in university settings for well over a century — are we really supposed to believe that they have reached no substantial agreement on any foundational moral principle because of ignorance, irrationality, or partiality

#### [4] 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. B. Empirics – there is no factual account of the good since each agent has unique motivation and there is no way to combine these beliefs into a unified ethic.

#### Thus, the standard is consistency with contractarianism. Agents must engage in the project of mutual self-restraint as to not impede upon the moral authority of others. Stanford.

[Stanford Encyclopedia of Philosophy. “Contractarianism.” <https://plato.stanford.edu/entries/contractarianism/> Published 18 June 2000] SHS ZS

A brief sketch of the most complete and influential contemporary contractarian theory, David Gauthier’s, is in order. **Gauthier’s project** in Morals By Agreement **is to employ a contractarian approach to grounding morality in rationality** in order **to defeat the moral skeptic.** (However, Anita Superson (2009) points out that Gauthier attempts to answer only the skeptic who asks “why should I be moral?” but leaves both the motive skeptic, who argues that it is enough to act morally but need not be motivated by morality, and the amoralist, who denies that there is any such thing as morality, that is, that there are true moral statements.) **It is** generally **assumed that humans can have no perfect natural harmony of interests** (otherwise morality would be largely superfluous), and that there is much for each individual to gain through cooperation. However, **moral constraint on the pursuit of individual self-interest is required because cooperative activities almost inevitably lead to a prisoner’s dilemma**: a situation in which the best individual outcomes can be had by those who cheat on the agreement while the others keep their part of the bargain. This leads to the socially and individually sub-optimal outcome wherein each can expect to be cheated by the other. But by disposing themselves to act according to the requirements of morality whenever others are also so disposed, they can gain each others’ trust and cooperate successfully. **The contractarian element of the theory comes in the derivation of the moral norms. The compliance problem—the problem of justifying rational compliance with the norms that have been accepted—must drive the justification of the initial situation and the conduct of the contracting situation**. **It is helpful to think of the contract situation as a bargain, in which each party is trying to negotiate the moral rules that will allow them to realize optimal utility**, and this has led philosophers to apply a number of bargaining solutions to the initial contract situation. Gauthier’s solution is the “minimax relative concession” (1986, ch. V). **The idea of minimax relative concession is that each bargainer will be most concerned with the concessions that she makes from her ideal outcome relative to the concessions that others make**. If she sees her concessions as reasonable relative to the others, considering that she wants to ensure as much for herself as she can while securing agreement (and thereby avoiding the zero-point: no share of the cooperative surplus) and subsequent compliance from the others, then she will agree to it. What would then be the reasonable outcome**? The reasonable outcome, according to this view, is the outcome that minimizes the maximum relative concessions of each party to the bargain** (Gauthier 1986, ch. V). Equally important to the solution as the procedure is the starting point from which the parties begin. For some contractarians (like Gauthier) there is no veil of ignorance—each party to the contract is fully informed of their personal attributes and holdings. However, without the veil of ignorance, contractors will be aware of the differences in bargaining power that could potentially affect the outcome of the bargain. **It is important, then, that the initial position must have been arrived at non-coercively if compliance to the agreement is to be secured.** A form of the “Lockean proviso” (modeled after Locke’s description of the initial situation of his social contract): that one cannot have bettered himself by worsening others, may turn out to be beneficial in cases without a veil of ignorance. In sum, **the moral norms that rational contractors will adopt** (and comply with) **are those norms that would be reached by the contractors beginning from a position each has attained through her own actions which have not worsened anyone else,** and adopting as their principle for agreement the rule of minimax relative concession (Gauthier 1986, ch. VII). On one line of thought, contractarianism produces liberal individuals who seem well suited to join the kind of society that Rawls envisioned (Gauthier 1986, ch. XI). On another line, the Hobbesian contractarian argument leads towards the sparse government of libertarianism (Narveson 1988). The controversy here turns on the primary motivation for individuals to make agreements and cooperate. As we said before, there are two such motivations for the Hobbesian contractarian: fear of the depredations of others and benefits from cooperation with others. Libertarianism results when the first of these is primary, whereas when the second is primary, the kind of reciprocity and supportive government that will be discussed in the final section becomes possible.

#### Prefer additionally:

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

#### [2] Collapses – Contracts takes into account all other ethical theories and allows agents to engage under the index of their own good so long as they don’t violate the constraints of their other. The NC functions as a meta constraint – meaning indicts don’t take it out but they rather prove the truth of a theory under a particular index.

#### [3] Culpability – Only contracts ensure agents are held to their agreements since there is a verifiable basis for judging their actions as wrong as well as a pre-established punishment for breaking it.

#### Negate: COVID vaccines were created under a IPR regime where the government rewarded their innovation with a patent. Post facto removal of the patent without pharmaceutical permission breaks a contract

## Kant Negates- Property Rights

**Individuals must be considered to have a right to property, otherwise it’s impossible to consider them as volitional**

**Kant 1797** - Immanuel. Kant: The Metaphysics of Morals (Cambridge Texts in the History of Philosophy) 2nd Edition. by Immanuel Kant (Author, philosopher), Mary J. Gregor (Editor), Roger J. Sullivan (Introduction). Cambridge University Press 1996. 1797

It is possible for me to have any external object of my choice as mine, that is, a maxim by which, if it were to become a law, an object of choice would in itself (objectively) have to belong to no one (res nullius) is contrary to rights.24 [6:251] For an object of my choice is something that I have the physical power to use. If it were nevertheless absolutely not within my rightful power to make use of it, that is, if the use of it could not coexist with the freedom of everyone in accordance with a universal law (would be wrong), then freedom would be depriving itself of the use of its choice with regard to an object of choice, by putting usable objects beyond any possibility of being used; in other words, it would annihilate them in a practical respect and make them into res nullius**, even though** in the use of things choice was formally consistent with everyone’s outer freedom in accordance with universal laws. – But since pure practical reason lays down only formal laws as the basis for using choice and thus abstracts from its matter, that is, from other properties of the object provided only that it is an object of choice, it can contain no absolute prohibition against using such an object, since this would be a contradiction of outer freedom with itself. – But an object of my choice is that which I have the physical capacity25 to use as I please, that whose use lies within my power26 (potentia). This must be distinguished from having the same object under my control27 (in potestatem meam redactum), which presupposes not merely a capacity but also an act of choice. But in order to think of something simply as an object of my choice it is sufficient for me to be conscious of having it within my power. – It is therefore an a priori presupposition of practical reason to regard and treat any object of my choice as something which could objectively be mine or yours.

#### The inventor’s property rights must be legally enforced through IP protections.

**Sonderholm 10 discusses** [Jorn Sonderholm (Professor with Specific Responsibilities at Aalborg University, Denmark, PhD in Philosophy from the University of St Andrews, UK, director of the Centre for Philosophy and Public Policy (C3P)), “Ethical Issues Surrounding Intellectual Property Rights”, Philosophy Compass 5/12 (2010): 1107–1115] SG

Traditionally, two distinct lines of thought have been fielded for the suggestion that IPRs are ethically justifiable. **One line of thought appeals to a natural right of an inventor to control the use of her innovation. This is the libertarian defense of IPRs** which has its historical roots in the writings of John Locke (Locke 1690). Robert Nozick has in more modern times been an advocate for this line of thought (Nozick 1974). **The libertarian view endows individuals with a natural right of appropriation.** This is the idea that **any innovator ⁄ worker who mixes her labor with a previously unowned object or natural resource comes to own this object or resource in full and can legitimately deny that other people use ⁄ appropriate this object or resource.** The natural right of appropriation central to libertarianism has an important proviso (famously formulated by Locke) which is an ‘enough and as good’ clause on original appropriation. The proviso states that one can only appropriate unowned resources if one leaves enough and as good for others. Where resources are scarce, one cannot legitimately stake a claim to something by annexing one’s labor to it. Neither can one come to own the scarce resource by enhancing its value. If the resource is necessary for the continued well-being of others, then the fact that x was the one who developed or improved the resource does not give x exclusive rights over it. x’s entitlement to reward for her labor is overridden by the entitlement of others to that which is necessary for their survival. **On the libertarian view, there is no morally relevant difference between, say, a farmer who mixes her labor with the land and thereby come to own the results of this interaction (the timber, the harvest, the fruits, etc.) and a medical researcher who mixes her labor with certain chemicals and thereby come to own the results of the interaction (physical objects and an intellectual idea ⁄ formula for an useful drug).** Provided that the farmer and the medical researcher pay heed to the Lockean proviso, they both come to enjoy a strong property right on the objects that result from their mixing their labor with unowned natural resources. **This natural property right is**, moreover, to be **written into the legal framework and enforced by the proper authorities** (police and courts of law). **Libertarians can therefore see trade agreements such as TRIPS as a legitimate legal enforcement of a pre-existing natural ⁄ moral right.**

#### Moral and economic rights go hand-in-hand – authors deserve compensation if others benefit from their work.

**Pozzo 06** [Riccardo Pozzo (Professor of History of Philosophy at University of Verona, PhD from Saarland University), “Immanuel Kant on Intellectual Property”, Trans/Form/Ação, v.29(2), 2006, p.11-18] SG \*brackets for gendered language

**The peculiarity of intellectual property consists thus first in being indeed a property, but property of an action; and second in being indeed inalienable, but also transferable in commission and license to a publisher. The bond the author has on [their] his work confers [them]** him **a moral right that is indeed a personal right. It is also a right to exploit economically [their] his work in all possible ways, a right of economic use**, which is a patrimonial right. Kant and Fichte argued that **moral right and the right of economic use are strictly connected**, and that the **offense to one implies inevitably offense to the other.** In eighteenth-century Germany, the free use came into discussion among the presuppositions of a democratic renewal of state and society. In his Supplement to the Consideration of Publishing and Its Rights, Reimarus asked writers “instead of writing for the aristocracy, to write for the tiers état of the reader’s world.” (Reimarus, 1791b, p.595). He saluted with enthusiasm the claim of disenfranchising from the monopoly of English publishers expressed in the American Act for the Encouragement of Learning of May 31, 1790. **Kant**, however, **was firm in embracing intellectual property.** Referring himself to Roman Law, he asked for its legislative formulation not only as patrimonial right, but also as a personal right. In Of the Illegitimity of Pirate Publishing, **he considered the moral faculties related to intellectual property as an “inalienable right** (ius personalissimum) always himself to speak through anyone else, the right, that is, that no one may deliver the same speech to the public other than in his (the author’s) name” (Kant, 1902, t.8, p.85). Fichte went farther in the Demonstration of the Illegitimity of Pirate Publishing. He saw intellectual property as a part of his metaphysical construction of intellectual activity, which was based on the principle that thoughts “are not transmitted hand to hand, they are not paid with shining cash, neither are they transmitted to us if we take home the book that contains them and put it into our library. In order to make those thoughts our own an action is still missing: we must read the book, meditate – provided it is not completely trivial – on its content, consider it under different aspects and eventually accept it within our connections of ideas” (Fichte, 1964, t.I/1, p.411). At the center of the discussion was the practice of reprinting books in a pirate edition after having them reset word after words after an exemplar of the original edition. Given Germany’s division in a myriad of small states, the imperial privilege was ineffective against pirate publishing. **Kant** and Fichte **spoke for the acceptance of the right to defend the work of an author by the usurpations of others so that [they] he may receive a patrimonial advantage from those who utilize the work acquiring new knowledge and/or an aesthetic experience.** In particular, Fichte declared the absolute primacy of the moral faculties within the corpus mysticum. He divided the latter into a formal and a material part. “This intellectual element must be divided anew into what is material, the content of the book, the thoughts it presents; and the form of these thoughts, the manner in which, the connection in which, the formulations and the words by means of which the book presents them” (Fichte, 1964, t.I/1, p.411). Fichte’s underlining the author’s exclusive right to the intellectual content of his book – “the appropriation of which through another is physically impossible” (ibid.) – brought him to the extreme of prohibiting any form of copy that is not meant for personal use.

## Case

### Permissibility negates:

[1] Semantics – Ought is defined as expressing obligation which means absent a proactive obligation you vote neg since there’s a trichotomy between prohibition, obligation, and permissibility and proving one disproves the other two. Semantics outweighs – A. it’s key to predictability since we prep based on the wording of the res B. It’s constitutive to the rules of debate since the judge is obligated to vote on the resolutional text.

[2] Safety – It’s ethically safer to presume the squo since we know what the squo is but we can’t know whether the aff will be good or not if ethics are incoherent.

### Fw

Top level:

1. smhagency
2. tailoring
3. forces repugnant actions like telling a Nazi officer there’s Jewish refugees in your house if they ask

### Case offense

#### No act omission means no chance you negate, we can’t be held culpable for what we allow to happen. The logic of the aff justifies having to always donate to charities 24/7